PB-230 513

POLLUTION OF THE INTERSTATE WATERS OF THE POTOMAC RIVER (WASHINGTON METROPOLITAN AREA), DISTRICT OF COLUMBIA-MARYLAND-VIRGINIA. PROCEEDINGS OF CONFERENCE HELD AT ARLINGTON, VIRGINIA ON DECEMBER 8-9, 1970. VOLUME 1

Environmental Protection Agency
Washington, D. C.

8 December 1970

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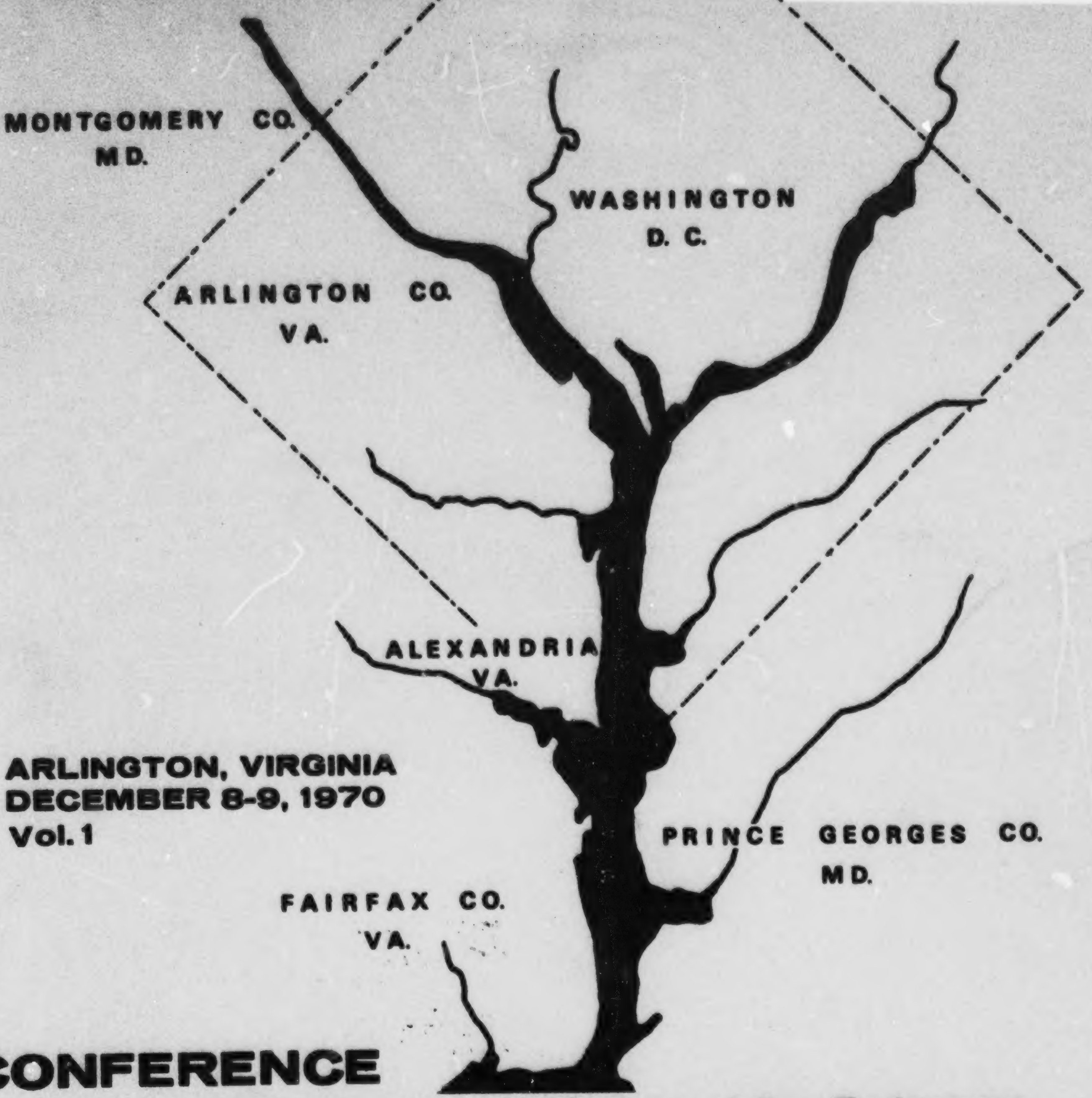
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ARLINGTON, VIRGINIA
DECEMBER 8-9, 1970
Vol. 1

CONFERENCE

Pollution of the Interstate Waters of the Potomac River (Washington Metropolitan Area) District of Columbia-Maryland-Virginia

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ENVIRONMENTAL PROTECTION AGENCY — WATER QUALITY OFFICE

213

PROGRESS MEETING

IN THE MATTER OF POLLUTION OF THE INTERSTATE WATERS OF THE POTOMAC RIVER AND ITS TRIBUTARIES -- (WASHINGTON METROPOLITAN AREA) -- DISTRICT OF COLUMBIA -- MARYLAND -- VIRGINIA

Marriott Twin Bridges Motor Hotel
Arlington, Virginia
December 8, 1970
9:30 a.m.

ENVIRONMENTAL PROTECTION AGENCY
WATER QUALITY OFFICE

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EXHIBITS

#1

1. Letter dated 5/22/70 from J. C. Holmes to Murray Stein
2. Letter dated 11/13/70 from Hon. S. Fred Singer to Hon. Edmund S. Muskie
3. Letter from F. R. Blaisdell dated 7/9/70 to Robert Ware Straus.
4. Program for Piscataway dated 7/29/70
5. Letter dated 7/31/70 from J. C. Holmes to Thomas Winter
6. Federal Water Pollution Control Administration Contract dated 3/17/70
7. Cole, Noman M., (Draft) "Tahoe East" for the Occoquan Reservoir, 12/70

#2

DRAFT OF REPORT "'Tahoe East'" for the Occoquan Reservoir."

> The ~~conference~~ report is on the

Progress Meeting of the Potomac River-Washington Metropolitan Area Enforcement Conference, held at the Marriott Twin Bridges Motor Hotel, Arlington, Virginia, on Tuesday, December 8, 1970, at 9:30 a.m.

for

> It includes statements, discussions and recommendations on: California [illegible]; Occoquan Reservoir; and construction schedule for Water pollution control plant; and related information.

PRESIDING:

Murray Stein, Assistant Commissioner for Enforcement and Standards Compliance, Environmental Protection Agency, Water Quality Office, Washington, D. C.

CONFEREES:

F. R. Blaisdell, Acting Regional Director, Middle Atlantic Region, Environmental Protection Agency, Water Quality Office, Charlottesville, Virginia.

George Carley, Assistant Director, Interstate Commission on the Potomac River Basin, Washington, D. C.

Howard Chaney, Acting Director, Environmental Health Services, Maryland Department of Health and Mental Hygiene, Baltimore, Maryland.

Paul V. Freese, Deputy Director, D. C. Department of Sanitary Engineering, Washington, D. C.

CONFEREES (Continued):

A. W. Hadder, Director, Enforcement Division, Virginia State Water Control Board, Richmond, Virginia.

Malcolm Hope, Associate Director for Environmental Health, D. C. Department of Human Resources, Washington, D. C.

*Norman Jackson, Director, D. C. Department of Sanitary Engineering, Washington, D. C.

*Carl J. Johnson, Executive Director, Interstate Commission on Potomac River Basin, Washington, D. C.

Paul W. McKee, Director, Maryland Department of Water Resources, Annapolis, Maryland.

* Late Registrants

PARTICIPANTS:

Murray Stein, Assistant Commission for Enforcement and Standards Compliance, Environmental Protection Agency, Water Quality Office, Washington, D. C.

The Honorable Charles McC. Mathias, Jr., United States Senator (read by Grover W. Cook).

PARTICIPANTS (Continued):

Julian Holmes, Private Citizen, Oxon Hill, Maryland.

Mrs. Hester McNulty for the Potomac Basin Inter-League Committee -- League of Women Voters, Falls Church, Virginia.

Dr. Stanley Falkow, Department of Microbiology, Georgetown University School of Medicine, Washington, D. C.

Mrs. Nancy Brown, Northern Virginia Conservation Council, Alexandria, Virginia.

William Houston, Fairfax County Federation of Citizens Associations, Alexandria, Virginia.

United States Department of the Interior, National Park Service, National Capital Parks, 1100 Ohio Drive, S. W., Washington, D. C.

William C. Bauknight representing Loudoun County, Fairfax, Virginia.

George J. Kelley, Jr., Deputy County Executive, County of Fairfax, Fairfax, Virginia.

A. W. Hadder, Director, Enforcement Division, Virginia State Water Control Board, Richmond, Virginia.

Howard E. Chaney, Acting Director, Environmental Health Services, Maryland Department of Health and Mental Hygiene, Baltimore, Maryland.

Dr. Alfred Machis, Deputy Chief Engineer, Washington Suburban Sanitary Commission, Washington, D. C.

PARTICIPANTS (Continued):

Paul W. McKee, Director, Maryland Department of Water Resources, Annapolis, Maryland.

George Carley, Assistant Director, Interstate Commission on the Potomac River Basin, Washington, D. C.

Malcolm Hope, Associate Director for Environmental Health, D. C. Department of Human Resources, Washington, D. C.

Paul V. Freese, Deputy Director, D. C. Department of Sanitary Engineering, Washington, D. C. for Norman E. Jackson, Director of Sanitary Engineering.

LIST OF ATTENDANCE:

Johann Aalto, Chief, Chesapeake Technical Support Laboratory, Environmental Protection Agency, Water Quality Office, Annapolis, Maryland.

Roy O. Beckner, Executive Vice President, Home Builders Association of Suburban Virginia, 9653 Lee Highway, Fairfax, Virginia.

W. McLean Bingley, Chief, Division of Water and Sewage, Maryland State Department of Health & Mental Hygiene, 2305 N. Charles Street, Baltimore, Maryland.

John V. Brink, Chief, Bureau of Public Health Engineering, D. C. Department of Human Resources, 801 North Capitol Street, N. E., Washington, D. C.

LIST OF ATTENDANCE (Continued):

R. C. Brown, Executive Director, Suburban Maryland Home Builders Association, 9517 Georgia Avenue, Silver Spring, Maryland.

William G. Browning, Hydraulic Engineer, Virginia Soil and Water Conservation Commission, P. O. Box 1163, Richmond, Virginia.

Warren L. Carter, Director, Facilities Office, Environmental Protection Agency, Water Quality Office, Middle Atlantic Region, 918 Emmet Street, Charlottesville, Virginia.

Erust Christensen, Interior Park Planner, U. S. National Park Service, 1100 Ohio Drive, Washington, D. C.

Leo J. Clark, Sanitary Engineer, Environmental Protection Agency, Water Quality Office, Chesapeake Technical Support Laboratory, Annapolis, Maryland.

R. A. Cline, Jr., Consultant, Roy F. Weston, West Chester, Pennsylvania.

William M. Colony, Director, Planning & Evaluation Office, Environmental Protection Agency, Water Quality Office, 919 Emmet Street, Charlottesville, Virginia.

Anson O. Courter, Chairman, Conservation Committee, Potomac Appalachian Trail Club (also Potomac Conservation and Recreation Council) 4301 2603 Naylor Road, S. E., Washington, D. C.

LIST OF ATTENDANCE (Continued):

Robert T. Dennis, Executive Director, Potomac Basin Center, 1717 Massachusetts Avenue, N. W., Washington, D. C.

Thomas M. Downs, Assistant Attorney General, Maryland State Office Building, Annapolis, Maryland.

Kathleen Doyle, Editor, Bureau of National Affairs, Inc., 1231 25th Street, N. W., Washington, D. C.

Richard J. Durgin, Deputy Director of Public Works, City of Alexandria, P. O. Box 178, Alexandria, Virginia.

Donald L. Elmore, Public Health Sanitarian, Prince George's County Health Department, Cheverly, Maryland.

Robert Eagen, Public Health Engineer, Maryland State Department of Health, 2305 N. Charles Street, Baltimore, Maryland.

Tom O'Farrell, Sanitary Engineer, Environmental Protection Agency, Water Quality Office, 5000 Overlook Avenue, S. W., Washington, D. C.

Walter G. Gilbert, Potomac Basin Coordinator, Environmental Protection Agency, Water Quality Office, Washington, D. C.

Oliver Gillespie, Urban Specialist, National Park Service, Washington, D. C.

James A. Glasgow, Attorney, U. S. Department of Justice, Land and Natural Resources Division, U. S. Department of Justice, Room 2619, Washington, D. C.

LIST OF ATTENDANCE (Continued):

Charles E. Gross, Public Health Engineer, Maryland State Department of Health, 2305 N. Charles Street, Baltimore, Maryland.

Charles R. Hall, Systems Engineer, Maryland Environmental Service, Annapolis, Maryland.

Philip B. Hall, Director of Public Works, City of Alexandria, City Hall, Alexandria, Virginia.

Robert L. Hall, Associate, Greeley and Hansen, 14 E. Jackson Boulevard, Chicago, Illinois.

Horace M. Hallett, Manager, Director, Loudoun County Sanitation Authority, Leesburg, Virginia.

Jean M. Hansman, Apprentice Urban Economist, George Washington University, 9809 Betteker Lane, Potomac, Maryland.

John S. Hewins, Government Relations Coordinator, MNCPPC, 8787 Georgia Avenue, Silver Spring, Maryland.

Lt. Col. William A. Houston, Fairfax County Federation of Citizens Association, 5204 Cherokee Avenue, Alexandria, Virginia.

Dr. Norbert Jaworski, Chief, Engineering Section, Chesapeake Technical Support Laboratory, Environmental Protection Agency, Water Quality Office, Annapolis, Maryland.

E. Myrl Jensen, League of Women Voters, 4764 No. 33rd, Arlington, Virginia.

LIST OF ATTENDANCE (Continued):

James M. Johnson, Sr., Sanitary Engineering, Engineering-Science, Inc., 2600 Virginia Avenue, Suite 206, Washington, D. C.

Carrie Johnson, Legislative Assistant, Hon. Charles Mathias, U. S. Senate, Senate Office Building, Washington, D. C.

Bob Kaiser, Sanitary Engineer, Environmental Protection Agency, Water Quality Office, MAR, 918 Emmet, Charlottesville, Virginia.

Mrs. Selma G. Kallis, League of Women Voters of D. C., 3502 Legation Street, N. W., Washington, D. C.

Kenneth M. Karch, Assistant Director of Health and Environmental Protection, Metorpolitan Washington Council of Governments, 1225 Connecticut Avenue, N. W., Washington, D. C.

Mrs. Alice R. Klavans, Staff Assistant, League Women Voters, 1730 M Street, N. W., Washington, D. C.

M. H. Klegerman, Consulting Engineer, Alexander Potter Associates, 99 Church Street, New York, N. Y.

Susan M. Kurrle, Biologist-Ecology Section, Environmental Protection Agency, Water Quality Office-CTSL, Annapolis Science Center, Annapolis, Maryland.

Donald W. Lear, Chief, Ecology Section, Environmental Protection Agency, Water Quality Office, Annapolis, Maryland.

LIST OF ATTENDANCE (Continued):

Jack Liedl, Deputy Director, Department of Public Works, County of Fairfax, 4100 Chain Bridge Road, Fairfax, Virginia.

Rosanne Light, Enforcement Analyst, Environmental Protection Agency, Water Quality Office, Washington, D. C.

Robert J. McLeod, General Manager and Chief Engineer, Washington Suburban Sanitary Commission, 4017 Hamilton Street, Hyattsville, Maryland.

Jim MacNees, Baltimore Sun, 2007 Brighton Road, Avondale, Maryland.

C. W. Maus, Area Engineer, Virginia State Water Control Board, P. O. Box 1469, Front Royal, Virginia.

John M. Meyer, Jr., Hittman Associates, 9190 Red Brand Road, Columbia, Maryland.

David Miller, Miller & Smith, 1300 Old Chain Bridge Road, McLean, Virginia.

George J. Moorehead, Civil Engineer, D. C. Department of Sanitary Engineering, Presidential Building, Washington, D. C.

P. Krishna Murthy, Senior Regional Planner, Metropolitan Washington Council of Governments, 1225 Connecticut Avenue, Washington, D. C.

LIST OF ATTENDANCE (Continued):

George H. Myers III, Mechanical Engineer, HQ Command, DEE-C, Bolling Air Force Base, Washington, D. C.

Hecktor W. Ocker, Sanitary Engineer, U. S. Air Force, 1st Comp. Wo 1001 Civil Engineering, HQ Andrews Air Force Base, Maryland.

Maria O'Malley, Acquatic Biologist, Environmental Protection Agency, Water Quality Office-CTSL, Annapolis Science Center, Annapolis, Maryland.

Roy L. Orndorff, Executive Secretary, Potomac River Basin Advisory Committee, Room 1104, 1025 Vermont Avenue, N. W., Washington, D. C.

John C. Overend, Johnson & Williams, 2107 K Street, N. W., Washington, D. C.

J. Kelly Paull, Director, OPN Division, County of Fairfax, 4100 Chain Bridge Road, Fairfax, Virginia.

George A. Paxton, Civil Engineer, Levitt & Sons, Inc., 7411 Riggs Road, Hyattsville, Maryland.

Robert R. Perry, Chief, Water Pollution Control Division, Department of Sanitary Engineering, District of Columbia, 5000 Overlook Avenue, S. W., Washington, D. C.

Victor R. Piatt, Environmental Pollution Control Officer, Naval Research Laboratory, Washington, D. C.

Fred K. Quigley, Jr., Director of Government Affairs, The Dow Chemical Company, Midland, Michigan.

LIST OF ATTENDANCE (Continued):

Paul W. Reed, Chief, Office of Program Planning and Review, D. C. Department of Sanitary Engineering, 415 12th Street, N. W., Washington, D. C.

Jeffrey Rein, Public Health Engineer, Prince Georges County, Health Department, Cheverly, Maryland.

H. R. Reinhardt, Staff Assistant, Environmental Protection Agency, Water Quality Office, Washington, D. C.

Ralph L. Rhodes, Chief, Technical Investigations Branch, Environmental Protection Agency, Water Quality Office, Charlottesville, Virginia.

J. E. Riley, Assistant to President, Meloy Laboratories, 6631 Iron Place, Springfield, Virginia.

Capt. William E. Rodgers, Chief Engineer, U. S. Air Force, Bolling AFB, Washington, D. C.

Martin J. Rody, Assistant Director Regional Affairs, National Capital Planning Commission, Washington, D. C.

Robert B. Russ, Assistant to the Chief Engineer, WSSC, 4017 Hamilton Street, Hyattsville, Maryland.

Melvin Leon Schick, Chemical Engineer, General Services Administration, 7th and D. S. W., Washington, D. C.

Harvey L. Segal, Sanitary Engineer, HW, USAF-Environmental Protection Group, HQ USAF/PREV, Pentagon, Washington, D. C.

LIST OF ATTENDANCE (Continued):

S. W. Shafer, Engineer-Director, Alexandria Sanitation Authority, P. O. Box 1283, Alexandria, Virginia.

Jefferson S. Smith, President, Home Builders Association of Suburban Virginia, Suite #7, 9653 Lee Highway, Fairfax, Virginia.

David G. Sobers, Environmental Coordinator, OPC, Montgomery County Government, County Office Building, Rockville, Maryland.

Ronald R. Speedy, Sanitary Engineering Consultant, U. S. Public Health Service, National Capital Parks, 1100 Ohio Drive, S. W., Washington, D. C.

Arnold Speiser, Chief, Program Planning Branch, D. C. Department of Sanitary Engineering, 415 12th Street, N. W., Washington, D. C.

Mark Swenson, 15 2nd Street, N. W., Washington, D. C.

Jorge A. Valladares, Principal Engineer, Maryland National Capital Park & Planning Commission, 6600 Kenilworth Avenue, Riverdale, Maryland.

George W. Williams, Environmental Protection Agency, Water Quality Office, MAR, Charlottesville, Virginia.

Leigh W. Worthing, Public Health Engineer, Prince Georges County Health Department, Cheverly, Maryland.

LIST OF ATTENDANCE (Continued):

John W. Zelinski, Coordinator of Facilities Development for Water Pollution Control, D. C. Department of Sanitary Engineering, 5000 Overlook Avenue, S. W., Washington, D. C.

Norman R. Cohen, President, Montgomery Midland Corporation, 414 Hangerford Drive, Rockville, Maryland.

Joseph S. DeLasho, Assistant for Environmental Engineering, Chesapeake Division, NavFalEng. Con., Washington Navy Yard, Washington, D. C.

Edward B. Krause, Enforcement Analyst, Environmental Protection Agency, Water Quality Office, Washington, D. C.

Duncan Spencer, Reporter, Washington Evening Star, 225 Virginia Avenue, S. E., Washington, D. C.

Robert D. Wiegand, Reporter, Northern Virginia Sun, 3409 Wilson Boulevard, Arlington, Virginia.

STAFF, FWQA, MAR, Chesapeake Technical Support Laboratory: Earl Staton, Bob Horn.

Charlottesville, Regional Office: F. R. Blaisdell, Everett L. Lemley, Jo Sipes, Kitty Carroll, Frances Wawner, Doris Thomas, J. W. Bowyer.

LIST OF ATTENDANCE (Late Registrants):

Neal E. Armstrong, Manager, Washington Research & Development Engineering-Science, Inc., 2600 Virginia Avenue, #206, Washington, D. C.

John W. Boss, ECS (FP&S), Dow Chemical Company, P. O. Box 350, Moorestown, New Jersey.

Edward W. Chen, Planning Coordinator, Prince George's County Courthouse, Upper Marlboro, Maryland.

M. H. Cula, Chief, Sanitation Division, Department of Utilities, Courthouse, Room 213, Arlington, Virginia.

John J. Lentz, Director, Health and Environmental Protection, Metropolitan Washington Council of Governments, 1225 Connecticut Avenue, Washington, D. C.

Mrs. Jean R. Packard, Fairfax County Federation of Citizens Associations, 4058 Elizabeth Lane, Fairfax, Virginia.

Philip N. Storrs, Vice President, Engineering-Science, Inc., Suite 206 Watergate Office Building, 2600 Virginia Avenue, NW, Washington, D. C.

Millard H. Robbins, Jr., Director, Pollution Abatement Division, State Water Control Board, P. O. Box 11143, Richmond, Virginia.

H. Tamassia, Civil Engineer, Corps of Engineers, Baltimore District, Box 1715, Baltimore, Maryland.

PROCEEDINGS

OPENING STATEMENT
BY MURRAY STEIN,
ASSISTANT COMMISSIONER FOR ENFORCEMENT AND STANDARDS COMPLIANCE, ENVIRONMENTAL PROTECTION AGENCY, WATER QUALITY OFFICE, WASHINGTON, D. C.

MR. STEIN: The meeting is open.

This meeting for the conference in the matter of pollution of the interstate waters of the Potomac River and its tributaries -- Washington Metropolitan Area, in the States of Maryland and Virginia, and the District of Columbia, is being held under the provisions of Section 10 of the Federal Water Pollution Control Act.

The first session of this conference was held on August 22, 1957. The second session was held on February 13, 1958, and the third session was held on April 2, 3, and 4, and May 8, 1969. The third session was reconvened on May 21 and 22, 1970, and October 13, 1970.

Both the State and Federal Governments have responsibilities in dealing with water pollution control problems. The Federal Water Pollution Control Act declares that the States have primary rights and responsibilities for taking action to abate and control pollution. Consistent with this, we are charged by law to encourage the States in these activities.

At the same time, the Federal Government is charged by law with specific responsibilities in the field of water pollution control in connection with pollution of interstate and navigable waters. The Federal Water Pollution Control Act provides that pollution of interstate or navigable waters which endangers the health or welfare of any persons, shall be subject to abatement. This applies whether the matter causing or contributing to the pollution is discharged directly into such waters or reaches such waters after discharge into a tributary.

The conference in the 1950's came up with a program which in large measure was met; but as all of you know, as in many other areas of the environment, we were overtaken by events. Assumptions concerning the expansion of population in this area were modest, to say the least, and were vastly exceeded, and the kind of pollution control we thought of at the time did not prove adequate to meet existing requirements and demands.

But, by and large, I think there is some misunderstanding about that, because the first conference was designed largely to see if we could abate the sight and odor nuisance from the river, to cut down on the imminent health hazard that people would have in coming in contact with the water or even from picnicking alongside, and the improvement of the habitat for indigenous fish. In large measure these achievements have been realized.

I think, except for very critical periods of the year, you no longer smell the Potomac all year round in going over the bridges. And as someone who has been doing that at least since the end of the war when I moved to Virginia from the District, I can say that this was an occurrence that happened pretty frequently.

We also, I think, have materially cut down for a casual observer of the river the problem of being infected by a pathogenic organism. And I think there are possibly some indications that the habitat for fishlife has improved.

However, as you recognize, much, much more has to be done if we are going to achieve a clean Potomac. The Potomac is still a symbol of a polluted river throughout the country. And again, as many of you know, my job takes me through the country in dealing with enforcement actions, and practically everywhere I go I am always met, at least by the city officials, with a notion or the statement, "Why are you out here pushing us when you have so much to do right at home in Washington in cleaning up the Potomac?"

The conferees during the 1969 and 1970 sessions developed a program for the cleanup of the Potomac. For a large city this involves some of the highest degree of treatment known to man and possibly a blueprint for degrees of treatment which are not quite known to man yet, but are still in the experimental stage. We are pushing the periphery of science in order to get the job done. We set up a time schedule and we set up requirements to be met to meet water quality standards in the river.

We do have, as most other cities have, three major problems here. One, and not the least, is the technology involved. I think in one sense we are fortunate in the Metropolitan Washington area in that we have a garden variety of municipal waste. We don't have these exotic industrial wastes or loads of toxic substances or radioactive material that are hazardous materials, or oil or something of that kind that we have to deal with in other places. On the other hand, the degree of treatment required to provide a clean Potomac is so high that the program we have outlined really is stretching the technology. So we do have a technological problem.

Secondly, we have the problem of dealing with all the political subdivisions in the Metropolitan Area. This probably in most metropolitan areas has proved to be a major stumbling block in achieving timely solutions and keeping these areas in line with a time schedule. This is complicated in this area where we have three, in effect, States, because under our law the District of Columbia is considered to be a State for the purposes of the Federal Water Pollution Control Act, and we are dealing with Maryland, Virginia, the District of Columbia. I don't think any other area in the country has these problems quite to the extent you have it here.

I think due to prolonged negotiation we have achieved an integrated program to deal with the problem, and this has taken hard work, goodwill, and I think diligent and inspired effort on the part of all the jurisdictions; and I indeed am grateful, because I think as far as resolving the problems among the political subdivisions we may be farther ahead here than we are in many, many other areas of the country which do not have quite as complicated a problem.

The third area that is going to overlie the whole situation -- and this is true in most areas of the country, too, but it is particularly acute here -- and that is the question of financing. And this problem I think just must be solved if we are going to meet the commitment. The District of Columbia in this area has peculiar problems in financing.

First let me point out that the kind of treatment required, and that all the constituencies have agreed to, is a lot more extensive than in most places in the country, certainly in any other large place, and being a lot more extensive is a lot more expensive. So if there were no special problems we would still have a problem of financing.

Then we have the special problem of the District of Columbia which, without specific legislation, does not have the kind of borrowing authority vested in most cities of the size of Washington, D. C. And secondly, as you all know, because of the tremendous Government installations in Washington and their peculiar tax exempt basis, Washington, D. C. does not have the tax base that other communities have. So we have some of these very, very difficult problems.

One of the major purposes of this meeting is to reconsider a Memorandum of Understanding signed by Fairfax County, Virginia, Washington Suburban Sanitary Commission, Maryland, and the District of Columbia Department of Sanitary Engineering, with a view toward determining what actions are necessary to effect the completion of needed pollution abatement facilities by the end of 1974 rather than 1977 as originally proposed in the Memorandum of Understanding. This is the date for completion by the District of Columbia. When the agreement was presented to Secretary Hickel he was gratified, I think, by the way we had worked our way through the maze of technical and political jurisdictional problems. But he was not too happy with that date of 1977, and he asked us to update it to 1974 if possible.

Additionally, progress reports will be received from the State and Federal agencies responsible for pollution control in the waters under the jurisdiction of the conference. These reports will discuss in detail the status of actions and programs previously recommended by the conference to abate pollution in the Potomac River.

Again, this is such a complex situation, unless we keep on top of these reports and the progress on a regular basis I don't think we are going to be able to achieve our desired ends. Again I would like to point out that while we have a blueprint for the program, unless we can come up with some kind of game plan to achieve the adequate financing we are not going to be able to break through and achieve our goals.

Before we indicate the agenda for the meeting and the procedures in the meeting I would like the conferees to introduce themselves. Would you do so?

MR. HADDER: I am A. W. Hadder, Virginia State Water Control Board.

MR. CHANEY: Howard E. Chaney, Maryland State Department of Health and Mental Hygiene.

MR. McKEE: Paul McKee, Maryland Department of Water Resources.

MR. CARLEY: George Carley, Interstate Commission on the Potomac River Basin.

MR. HOPE: Malcolm Hope, D. C. Department of Human Resources.

MR. FREESE: Paul Freese, D. C. Department of Sanitary Engineering.

MR. BLAISDELL: Frank Blaisdell, Water Quality Office.

MR. STEIN: And my name is Murray Stein, and I wish I knew where I was. I think it is EPA, Water Quality Office.

Now what we are going to do is first call on citizen representatives to speak. Then we will call on the States. We will call on Virginia, Maryland, the Interstate Commission, District of Columbia, and the Water Quality Office. Then we will have subcommittee reports on planning, oil survey and stream monitoring. And we will proceed with that.

Now the names I have of the people who are asking to speak are Julian Holmes, Mrs. McNulty, J. W. Dixon, Dr. Falkow, and Miss Raye-Page.

I think we will have an opportunity to have a recess before we go into the State and Federal reports, but if anyone's name is not on the list and wants to speak, either while the meeting is going on or during the first break would you get in touch with Miss Wawner? Would you stand up and give her your name so we can accommodate you?

Now we will proceed in the way we have usually proceeded in this conference. Everyone will be given an opportunity to make a statement, but we will not take questions or comments from the floor. But you will have a full opportunity to make a statement in due order. The conferees, however, may ask questions or make comments at the conclusion of each presentation.

I will ask that everyone except the conferees making a statement come to the lectern to make the statement, identify themselves for the record with their name and affiliation. Also please remember you are speaking for a record here as well as to the audience. In other words, try to avoid presentations, if you are going to point to a map, such as "up in the right-hand corner" or "the left-hand corner." Try to have something a little more descriptive if it is going to have meaning in the record, and try to avoid references to color, because the record will be printed in black and white.

Now I think we do have a statement from Senator Mathias. Mr. Cook, will you come up and present that statement?

Senator Mathias

LETTER OF
THE HONORABLE CHARLES McC. MATHIAS, JR.,
UNITED STATES SENATOR
READ BY
GROVER W. COOK

MR. COOK: This letter is dated December 7, 1970.

Mr. Murray Stein, Chairman
Conference on Pollution of the
Potomac River - Washington Area
Marriott Twin Bridges Motor Hotel
Arlington, Virginia

Dear Mr. Stein:

I regret that the press of Senate business prevents me from attending this progress meeting of the conferees.

In my judgment our most urgent challenge is that of finding the funds to carry out the Memorandum of Understanding concluded in October. If we are really going to complete the needed improvements at Blue Plains by the end of 1974 and build a new regional treatment plant expeditiously, we must come to grips with the financing problem right now.

The Blue Plains project alone may require as much as $200 million in Federal funds and $165 million in local contributions, both on a pay-as-you-go basis. Obviously that large Federal commitment will far exceed the normal Federal allocations to the District of Columbia, Maryland and Virginia. Rather than attempting to squeeze the additional Federal funds out of discretionary and other pockets, I believe it would be far more purdent to seek a special Federal program for the national capital region.

On November 16 I wrote to Secretary Hickel, urging him to give top priority to the problem of financing and offering all assistance in securing prompt congressional consideration of appropriate legislation next year. A copy of that letter is enclosed for your record.

I shall be renewing this request to Administrator Ruckelshaus and Secretary-designate Morton, and look forward to receiving concrete recommendations soon, so that accelerated timetables for action can be met without resorting to fiscal expedients which will prove more costly in the long run.

Sincerely,

Charles McC. Mathias, Jr.
United States Senator

MR. STEIN: Thank you. I would like to express our thanks to Senator Mathias for that excellent statement. Again the Senator, as always, goes to the heart of the issue, and I think we pointed that out, that this is one of the problems that we just must solve if we are going to realize our program to clean up the Potomac.

We have Julian Holmes.

STATEMENT OF

JULIAN HOLMES,

PRIVATE CITIZEN, OXON HILL, MARYLAND

MR. HOLMES. My name is Julian Holmes. I live in Prince George's County in Oxon Hill.

Distinguished conferees and guests:

We are gathered today to assess progress in cleaning up the Potomac River. I am sorry that Federal officials apparently still plan to write off historic Piscataway Bay as a sewage lagoon in line with the official proposal, from the Maryland State Health Department, dated December 31, 1969.

At the last session, on May 21 of this year, I outlined the Piscataway Bay problem and asked that certain documents be made part of the Proceedings of this

Conference. Contrary to precedent set at previous sessions, the published Proceedings of the May 21 session contained no documentation to support statements made by witnesses.

I am sorry that the Conference Proceedings must be devoid of meaningful material. Testimony unsupported by facts is worth very little indeed. I respectfully suggest that the conference adopt the procedures of the United States Senate Committee on the District of Columbia. This Committee has published meaningful and useful proceedings of its hearings on Pollution in the National Capital Region; the sordid story of Piscataway Bay complete with photographs can be found in the Committee's Hearings dated March 25, 26, and April 8, 1970.

Although FWQA* scientists, in their now celebrated report dated December 1969, noted that the current Maryland State Health Department plans for sewage treatment at Piscataway are inadequate, there seems to be no interest at the Commissioner level for halting the expenditure of Federal funds for the sixfold expansion of the secondary treatment Piscataway facility now under construction. Deputy Assistant

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*By law FWQA on December 2, 1970 became Environmental Protection Agency, Water Quality Office. Throughout the proceedings it may be referred to as FWQA.

Secretary of the Interior S. Fred Singer made this quite clear last month in a letter to the Honorable Edmund S. Muskie.

A few months ago we asked the President's Council on Environmental Quality for assistance in this matter. The Council requested that FWQA officials meet with local citizens to discuss the problem. At the meeting, we asked to see plans for the Piscataway Plant expansion and were told that plans to meet applicable water quality standards were not yet in existence. We presented a proposed program to clean up Piscataway Bay, and we asked for a response from the FWQA; we also asked that we be permitted to see the "plans" when available. To date, no acknowledgement of our proposal or request has been received from the FWQA. The normal requirement that plans be submitted prior to advertising for bids was waived by the FWQA.

I ask once again that this conference come to grips with the problem of sewage treatment. We are quite angry at the FWQA sanctioned Piscataway program which is nothing more than a $1,000,000 embodiment of the discredited principle that the solution to pollution is dilution. I also ask that this conference familiarize itself with the Lake Tahoe story as it is so aptly told by the distinguished Conferee Mr. Noman Cole, who I had understood was to be a conferee. Perhaps I am incorrect. Mr. Noman Cole is a member of the Water Control Board of the State of Virginia. A Lake Tahoe facility should be under construction right now at Piscataway. Instead, we have the FWQA approved expansion for secondary treatment facilities. Piscataway Bay is being destroyed by the existing five million gallon facility, and it is tragic that the FWQA "proposal" for eventual 98% BOD removal at Piscataway allows the discharge of 400 to 600% more BOD than the facility which has been in use at Lake Tahoe for years.

I hope that the documents presented by witnesses on May 21 and May 22 and the documents which I list, and will read, below, including the December 1970 Cole Report, will be printed as part of the Proceedings of this conference so that the public is never again billed for another emasculated "Proceedings" like that published for the May 21 session.

And I would like to just read the list of documents which I am submitting today which are referenced in the presentation I have just made:

Julian Holmes

1. Letter dated 5/22/70 from myself to Murray Stein. No reply received to date.

2. Letter dated 11/13/70 from Honorable S. Fred Singer, who is Deputy Assistant Secretary of the Interior for Water Quality and Research, to Honorable Edmund S. Muskie.

3. Letter from F. R. Blaisdell dated 7/9/70 to Robert Ware Straus.

4. Program for Piscataway dated 7/29/70.

5. Letter dated 7/31/70 from J. C. Holmes to Thomas Winter.

6. Federal Water Pollution Control Administration Contract, dated 3/17/70. Contract No. WPC-Md-233.

7. The draft titled "Tahoe East" for the Occoquan Reservoir by Noman M. Cole, dated this month.

Thank you very much. And I would like to present these documents to the conference at this time and ask once again that they be included as part of the printed proceedings.

Thank you.

MR. STEIN: Are there any comments or questions?

(No response)

If not, we will receive those documents. Again

I point out these documents are part of the record as exhibits, and in conformity with usual practice we do not keep reprinting documents at Government expense which are readily available everywhere. They will be available during normal business hours at Headquarters WQO and at the Regional level.

Thank you, Mr. Holmes.

(The documents listed above were received as Exhibit No. 1 and are on file at the offices of the EPA Water Quality Office, Middle Atlantic Region, Charlottesville, Virginia and Washington, D. C.)

MR. STEIN: Mrs. McNulty.

STATEMENT OF
MRS. HESTER McNULTY
FOR THE POTOMAC BASIN INTER-LEAGUE COMMITTEE -- LEAGUE OF WOMEN VOTERS, FALLS CHURCH, VIRGINIA

MRS. McNULTY: Mr. Chairman, I am Hester McNulty, Chairman of the Potomac Basin Inter-League Committee, League of Women Voters. This committee represents the 20 State and local Leagues in the Potomac Basin -- nine of these Leagues are affected by this conference. For almost six years we have focused our attention on the Potomac River, evaluating possible solutions to its problems and proposals for its management.

The Leagues in the Potomac Basin support the Potomac Compact as the mechanism that will provide the coordination and long-range planning which is necessary for the management of all the water and related land resources in the basin. However, until such time as the Compact is adopted, this enforcement conference furnishes the only coordinated arrangement for pollution abatement in the metropolitan area.

Our committee regards the Memorandum of Understanding reached by the jurisdictions in the Washington area as an important first step in regional responsibility for cleaning up the metropolitan portion of the river. We strongly support a speeded up timetable for completion of the upgraded Blue Plains plant. It too often appears that sanitary engineers are more wedded to the past than any other group of technical experts -- if we are to win the battle against water pollution a can do philosophy must replace the all too prevalent it can't be done syndrome. The League congratulates the Virginia Water Control Board for its actions in this regard and we agree that the job should be completed by 1974.

Mrs. Hester McNulty

Any plan no matter how commendable is only as good as its implementation. League members do not want this to be another agreement that is implemented only on paper. We therefore urge the conferees:

- To continue holding progress meetings to assure that progress is being made.
- To make some provision for emergency alternative funding if the District's share is held hostage by Congress.
- To consider carefully proposed sites for the additional plants to be built in Maryland so that no new problems are created.
- To brief the affected local governments after each progress meeting concerning the decisions that have been made. As we have pointed out before, the key figure in pollution abatement is the elected local official who has the power both to zone for development and assess for facilities.

At the April 1969 session, and again in May of this year, the Potomac Basin Leagues asked that you consider expanding the boundaries of the conference to include adjacent areas which are experiencing rapid growth and development. This time we think it is imperative that at least Prince William County be brought into the conference area. The population of Prince William County, now 120,000, has quadrupled in the last 20 years. Its projected population for 1980 is 190,000, which is the current figure for Arlington County.

It is at this stage in a rapidly developing county that basic decisions for facilities, such as sewage treatment plants, are made -- wrong decisions now will affect the entire region later. Bringing Prince William County into the enforcement area now will assure that these decisions will be in conformance with those made at this conference.

Prince William County is already involved in metropolitan area sewage problems through the Occoquan which it shares with Fairfax. The proposal to pipe sewage effluent from that watershed into Neabsco Creek affects the Potomac River in another portion of the county, as will any future treatment plants built to serve the expanding population in areas other than the Occoquan.

Another concern of the Potomac Basin Leagues has been the pollution of the Potomac by sediment. Again we urge the conferees to give more than token attention to sediment control in the metropolitan region -- it will do little good to clean up other pollutants if sediment continues to pollute the river at an ever increasing rate. We commend the recent emphasis of Fairfax County on the enforcement of sediment control ordinances.

League members are pleased with the progress that has been made since the May conference. At that meeting we compared the situation in the metropolitan area to Alice in Wonderland. In the last 6 months we have at least come to the right side of the looking glass. Let us keep it that way.

MR. STEIN: Thank you, Mrs. McNulty.

Any comments, questions?

(No response)

You know, I am not a sanitary engineer -- most of these people up here are -- but you say sanitary engineers are more wedded to the past than any other group of technical experts.

MRS. McNULTY: I said it seems that way.

MR. STEIN: Yes, sometimes. And "too often it appears" you said. Now, you know, I do think that the plan that has been developed here, Mrs. McNulty, is one that is really looking for the future. But again -- and

I have known most of these people up here for a long time -- considering their age and condition, I can see why they are, and I know I am in the same shape, but I am not sure that my wife wouldn't be in favor of that philosophy that we should be wedded to the past.

(Laughter)

May we have Miss Raye-Page?

(No response)

Miss Raye-Page is not here.

Mr. J. W. Dixon?

(No response)

Dr. Falkow.

STATEMENT OF
DR. STANLEY FALKOW,
DEPARTMENT OF MICROBIOLOGY,
GEORGETOWN UNIVERSITY SCHOOL OF MEDICINE,
WASHINGTON, D. C.

DR. FALKOW: During the past six months, my laboratory located in the Department of Microbiology, Georgetown University School of Medicine, has been actively monitoring the bacteriology of the Potomac River and Rock Creek. The laboratory procedures were in accordance with "Standard Methods for the Examination of Water and Wastewater."

Over the period of June, July and August, the level of coliform contamination has consistently exceeded 100,000 Most Probable Number (M.P.N.)/100 ml from the District of Columbia to the vicinity of Seneca, Maryland. The most stringent criterion of fecal contamination, the level of Escherichia coli, has consistently exceeded 3,000 M.P.N./100 ml and, most often, has exceeded 10,000 M.P.N./100 ml. These levels may perhaps be more directly understood in terms of the following relationship. Each human excretes daily an average of 200 grams of feces harboring 100,000 E. coli per gram. Thus on July 8 last summer, a cupful of Potomac water (taken in Maryland between Dalecarlia and Great Falls) contained the bacteriological equivalent of 0.5 gram of human feces. Bacteria tend to concentrate in the mud of the river. Thus, on August 18, last summer, a cupful of Potomac mud taken near Dalecarlia was bacteriologically equivalent to 4 grams of human feces. Not surprisingly we have directly isolated Salmonella organisms from the Potomac. It seems reasonably well established that Salmonella sp can be regularly detected when the fecal E. coli levels exceed

1,000 M.P.N./100 ml or more.

It seems to me that this situation is a clear and present danger to public health. In 1958 the interstate Commission on the Potomac River Basin considered that coliform counts should not exceed 2,000 M.P.N./100 ml for swimming and 10,000 M.P.N./100 ml for boating and shore recreation. The Potomac then and now could not satisfy these water quality criteria. Incredibly, the general water criteria for the State of Maryland issued in April 1969 suggests that water for water contact recreation should not exceed 240 M.P.N./ml! It seems to me it is an unwarranted risk to continue to permit people to use this water for water-skiing, pleasure boating and other water contact recreation. There are no direct epidemiological findings available to absolutely document direct disease transmission following contact with the waters of the Potomac. Nonetheless, some very limited interviews have disclosed a number of skin, nose and ear infections, several cases of diarrhea and possibly two cases of hepatitis temporally associated with water contact recreation on the Potomac. At any rate, I think any public health officer faced with the bacteriological findings alone would agree that the waters are potentially very dangerous to public health and welfare.

You are meeting here today to discuss actions necessary to effect the completion of needed pollution abatement facilities by the end of 1974 rather than 1977. I understand that you are faced with enormous fiscal, technical and, unfortunately, political considerations, in addition to working with inadequate legislation. One should not, however, wait till 1974 or 1977 to protect the public health and welfare, for the waters of the Potomac right now are a health hazard. I request that under Section 10 of the Federal Water Pollution Control Act, this Conference recommend to the States and the District that they immediately prohibit water contact recreation on the Potomac River.

MR. STEIN: Are there any comments or questions?

(No response)

If not, thank you very much.

Mrs. Nancy Brown.

STATEMENT OF

MRS. NANCY BROWN,

NORTHERN VIRGINIA CONSERVATION COUNCIL,

ALEXANDRIA, VIRGINIA

Mrs. Nancy Brown

MRS. BROWN: Mr. Chairman and Conferees: I am Nancy Brown and I am representing the Northern Virginia Conservation Council.

We thank you for allowing us this opportunity to speak to the conferees and urge them once again to support the expansion of the conference area to include Prince William County. In other words, the Council reaffirms its support of the position presented to the conference on May 21, 1970.

However, we also wish to take note of an event which occurred in this interim period between conference sessions, and that is the appointment of four new members to the Virginia State Water Control Board. We mention this fact because we firmly believe that the Commonwealth of Virginia will soon achieve national recognition in the field of water pollution abatement for its forward-looking programs, strong enforcement policies and innovative administrative procedures.

We make this statement with a good deal of assurance since the newly elected chairman of the Board, Noman M. Cole, Jr. of Mason's Neck, is well known and greatly respected by many groups, including the Virginia State Conservation Council, the Northern Virginia

Conservation Council, the Fairfax Federation of Citizens Associations, and other organizations of which he has been a member.

For example, earlier this year, as a private citizen, he was determined to see that Fairfax County used the best methods available to achieve the highest efficiency of treatment and fail-safe operating procedures in its largest and newest sewage treatment facility, the Lower Potomac Plant. He proposed to the County Board of Supervisors major revisions to the plant design which were adopted and implemented prior to its being put into operation this fall.

He has, more recently, evidenced this same determination to put to use the best that modern technology can offer in solving another problem in Fairfax County.

As you may recall, one of the Council's major concerns described last May was the appalling condition of our major water supply, the Occoquan Reservoir. At that time we submitted Dr. Sawyer's Report, 1969 Occoquan Reservoir Study, marked Exhibit No. 3, to support our statements. Today, as a follow-up to that report we would like to have entered into the record of the proceedings Mr. Noman M. Cole's report entitled "Tahoe East" for the

Occoquan Reservoir, December 1970.

We make this request, Mr. Chairman, because we believe the report to be one of the most complete outlines on the advanced waste treatment process: terms are defined, resource material documented, treatment processes described and a practical solution offered for solving a classic problem. We recognize that "Tahoe East" for the Occoquan Reservoir, like Lake Tahoe, refers to a specific geographic location, but the recommendations are adaptable and the subject is universal, pollution abatement and water supply.

Members of my committee looking, over a long period of time, for exactly this kind of data, found only scattered bits and pieces of information and no comprehensive report we could dig into. This, I am sure, is not a problem unique to this committee.

Therefore, in the interest of better dissemination of information and more informed citizen participation, we strongly urge you to place this document into the record of the proceedings so that it will be more easily accessible to the citizens in this conference area than either Charlottesville, Virginia or Crystal City.

Thank you.

Here is the report.

MR. STEIN: This report again will be an exhibit. We will be glad to make the distribution of that for you. It is going to be much more economical for the Government to take one of these existing reports and make them available than to place a report that is available in the library or somewhere else in the record. But this will be made available as an exhibit and will be made available for distribution.

(The report entitled "'Tahoe East'" for the Occoquan Reservoir - DRAFT." was received as Exhibit 2 and is on file HQ and Regional Offices)

MRS. BROWN: I wanted to ask a question. Exactly how do you mean made available? I mean how do you go about making it available?

MR. STEIN: Well, I think the answer is you can get a copy of it the same way you can get of the entire proceedings. But generally here is what happens. Anyone who may want a book or a document which is put out as a report say by engineers, or is available in libraries, we usually do not print as part of the proceedings. If we opened the proceedings for such material, we would have book after book after book. The criticism would be tremendous in our presenting this information. So unless there is new information for the conference, what we generally do is make it available as an exhibit. It becomes an integral part of the proceedings, and anyone who wants it can get it. We will get an adequate supply of this material and will make copies available to anyone who requests it.

MRS. BROWN: Well, I do understand that. I do remember that in the conference proceedings in 1969 many exhibits were placed in the proceedings and --

MR. STEIN: The general rule is they are not available at other places. That is why we placed them in the proceedings, and they were prepared for the conference. This document was prepared for another report. This is certainly pertinent to this, but again there are loads of books or congressional committee reports and other reports which have a bearing on the subject which have been published independently. We note these as exhibits and make them part of the record, but we don't reprint what is already available. People who want the report on "Tahoe East" will just have to call our office, and we will see that we have a supply and make it available.

MRS. BROWN: Thank you.

MR. STEIN: Thank you.

MR. HADDER: Mr. Chairman, I would like for the record to show at this point that the Occoquan watershed is not a matter for consideration by this conference at this time if we may.

MR. STEIN: Are there any other comments or questions?

(No response)

May we have William Houston?

STATEMENT OF

WILLIAM HOUSTON,

FAIRFAX COUNTY FEDERATION OF CITIZENS ASSOCIATIONS,

ALEXANDRIA, VIRGINIA

MR. HOUSTON: Mr. Chairman, my name is William Houston. I am speaking for the Fairfax County Federation of Citizens Associations.

When we appeared before you at the May 21, 1970 session, we endorsed the League of Women Voters recommendation that the area of jurisdiction of this conference be extended downstream to include Prince William County, Virginia. We reiterate that suggestion now. Prince William County, as Mrs. McNulty so ably pointed out, is one of the fastest growing areas in the State of Virginia.

It is rapidly becoming urbanized, particularly along the U.S. 1 -- Interstate 95 corridor immediately south of the Fairfax County line. We therefore recommend that the conference boundary be extended downstream to include at least the town of Quantico and the Quantico Marine Corps Base, if not the entire Prince William County shoreline.

Secondly, we note that the Virginia State Water Control Board, by letter of November 9 to the Fairfax County Executive, has indicated its intention to issue amended certificates for the Dogue Creek and Little Hunting Creek treatment plants, during the interim period prior to the phase-out of these plants. The proposed amendments would raise the minimum BOD removal efficiency for the Dogue Creek plant from 84% to 85%. This we applaud as a step in the right direction -- even though minimal. However, the same proposed amendments would lower the minimum BOD removal efficiency for the Little Hunting Creek plant from 92.5% to 85%. This we consider to be an unfortunate and unacceptable administrative judgment, particularly in light of the Water Control Board's decision not to appeal the Fairfax Circuit Court ruling of July 28, 1970 overturning the Board imposed moratorium on new connections to Fairfax County's overloaded treatment plants, which include the Little Hunting Creek facility.

Thank you, Mr. Chairman.

MR. STEIN: Thank you, Mr. Houston.

Any comments or questions?

(No response)

If not, thank you very much.

I do not have any more citizens' requests. Are there any?

(No response)

At this time we will take a ten minute recess.

(Whereupon, a recess was taken.)

MR. STEIN: Let's reconvene.

First the Chair would like a little clarification if anyone could let me have it. I might point out that original Tahoe plant at Lake Tahoe was put in as a result of a requirement of the Federal-State Enforcement Conference such as this. So this is something that we do accomplish as a result of these enforcement conferences. As you probably have known, the waters of Lake Tahoe are among the purest we have in the country, and we didn't feel that any effluent discharged into the lake, treated or untreated, could be put in there, and they would have to get it out of the basin. Of course, when they tried to get it out of the basin the people outside weren't very enthusiastic about getting someone's effluent until they treated it to the point that the Tahoe group was treating it.

But here I have something, a document of about 50 pages, I would estimate, labeled "Fairfax C. Draft 'Tahoe East' For the Occoquan Reservoir, December 1970, N. M. Cole, Jr." Now I would have to place these reservations on this. I think we will have to get in touch with Mr. Cole and see if he wants this draft reproduced or if this is in fact just a draft and he wants to make some changes.

Now also we would have to ask his permission to reproduce this document for distribution. He may want to do it himself. I didn't see this document at first. However, this material given to us will be held as an exhibit. Now depending on the desires of Mr. Cole, we will be happy to reproduce enough copies of whatever report he wants reproduced and make this available to all those who signify that they want it. But since this appears to be a document prepared by Mr. Cole which on its face does not appear to be in final form yet, I think we will have to get in touch with him and hear from him what his desires on this matter are.

May we hear from the State of Virginia? Mr. Hadder.

MR. HADDER: Mr. Chairman, if we may, we would like to recognize Mr. William Bauknight, who is here representing the county of Loudoun, Virginia and has a matter of concern that he wishes to present to the conferees.

MR. STEIN: Well, while this is coming up, we have a report here from the National Park Service on debris cleanup which I would like to distribute to the conferees. This is a progress report just to be entered into the record at this point, without objection.

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UNITED STATES DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
NATIONAL CAPITAL PARKS,
1100 OHIO DRIVE, S. W.
WASHINGTON, D. C. 20242

PROGRESS REPORT

Debris Cleanup-Potomac River and Tributaries
Washington Metropolitan Area
May 1970 through November 1970

Following the Spring 1969 Potomac Enforcement Conference, the National Park Service accepted the following responsibilities:

1. A continuing program for the clean-up of shoreline debris and litter.

2. A review of State and local park agencies' operating procedures with a view to modifications that will minimize the amount of debris and litter that may enter the Potomac and its tributaries.

3. A public information program to obtain maximum citizen participation.

4. Appropriate coordination with the Corps of Engineers.

Mr. David O. Karraker of National Capital Parks was assigned coordination of the overall project. Substantial progress was made on all facets of the program.

Involvement:

At this time, we will not reiterate the continuing programs of debris clean-up along the river. These are contained in our progress report of May 1970. Rather, this report will outline new programs and changing emphasis.

The good work of the Army Corps of Engineers continues to provide a major thrust. During the report period, 460 tons of debris were removed from the Potomac and Anacostia Rivers. Also, efforts by Washington National Airport, Bolling Air Force Base, and Maryland National

Capital Parks and Planning Commission continue to highlight efforts toward a clean river.

The impact of Earth Day and citizen concern for a more wholesome environment continues to be felt with thousands of scouts and numerous student groups continuing to work along the shores of the Potomac River and the C. & O. Canal. Fourteen inner-city young men of the Kingman Boys Club, District of Columbia, canoed from near Cumberland, Maryland to Washington and enroute, studied various pollution factors including trash. A daily series in the "Daily News" vividly described these adventures. Please see enclosure.

Students of Washington and Lee High School in Arlington, Virginia attacked the Spout Run problem, a major local contributor of debris to the river. A summary of their good work and their efforts to effect a more enlightened citizenry are enclosed.

National Park Service work involved a continuing river bank clean-up program with heavy emphasis on major tributaries such as Rock Creek. Also, small paddlewheel work boats ply the Anacostia. During the report period, they carried away 1,612 cubic yards of debris.

Special emphasis was directed toward removing the source of major debris items. From Cumberland, Maryland to the District of Columbia, National Park Service crews are now removing tons of old docks, fish traps frames, forgotten and unused structures of all descriptions which become major contributors to the debris in the Washington area with each period of high water. Important projects also have involved removal of five enormous conduits used in the construction of the Woodrow Wilson Bridge and three derelict boats that for years had been eyesores in the Belle Haven area.

Last summer, "Operation Clean Water" of the Federal Water Quality Administration employed a hundred Neighborhood Youth Corps boys from the inner-city. Working with the National Park Service and the Army Corps of Engineers, they cleaned the shores of Oxon Run and the Anacostia River of 344 tons of debris.

We continue to be impressed with the lasting effects of cleanup of major debris items such as oil drums, tires, refrigerators, et cetera. The majority of this material has been resting in place for years, and once removed, new junk arrivals normally are negligible.

In contrast, small items such as tin cans, bottles, and plastic cups continue to enter the river unabated. Public information announcements on television by Federal Water Quality Administration, the National Park

Service and various citizen conservation groups are being utilized. Success will come with litter abatement along city streets, shopping center parking lots and many other places where rain water eventually carries the debris to the river.

THE FUTURE: A CLEAN RIVER

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Washington Daily News 8/28/70

Our river crew takes a breather

DAILY NEWS 8/29/70

By JAMES GRIFFIN

ALONG WITH PROJECT POTOMAC — The torrent of hands, arms, shoulders, torsos digging into the Potomac's back leaves no mark. There is no sign of the resistance of sluggish water.

Now, 70 miles down river from where we began at Old Town, 10 boys from the Kingman Boys' Club, their leader Gerald Padgett, and I spend the day at a campsite at Ft. Frederick, Md., pondering the future of our ecological expedition, Project Potomac.

We have been on the river since Monday and are far behind our schedule of reaching Washington by Sunday. This, we now realize, is unrealistic perhaps by much as three days.

We are pondering shortening the trip by trucking our supplies and canoes down to Harper's Ferry, 60 miles from the Capital.

But the boys have an unreasoning reluctance to this. They won't give up.

As each mile flows under us, there is the sense of destination — a willingness to overcome a distance and to resist the self's resistance. We become the river and we must steer all the way down it and ourselves to learn about both.

So we want to go on.

But there are simpler arguments.

"Man," says Sylvester Johnson, 14, of 1337 Q-st nw about the C-rations, "I'm tired of the same old thing. All I've had is beef steak, beef with salt and tuna."

"What do you mean 'the same old thing,'?" asks Gerald, the leader.

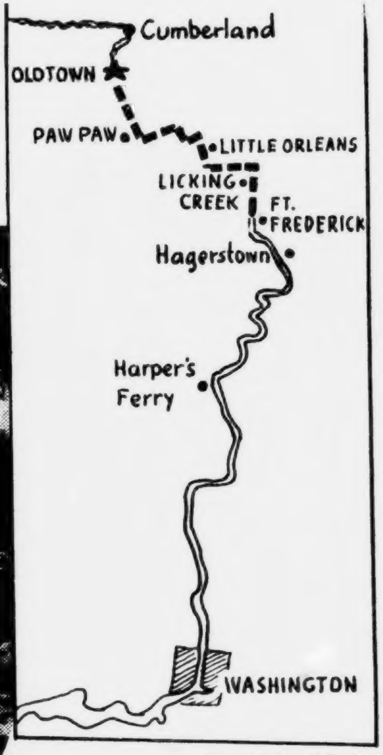
"I betcha there's more than just three kinds . . ." answers Sylvester, futilely groping in a box for new C-rations.

And just no, I learn that Kermit Johnson, 14, Sylvester's cousin is sick and is going home.

The river exacts a high price and much attention and respect. The chemicals we find in it, the garbage, ghastly on the banks, show that many men have treated it as a sewer.

—Photo by Geoffrey Gilbert

Sylvester Johnson, the bowman, and Vincent Padgett, in the river.

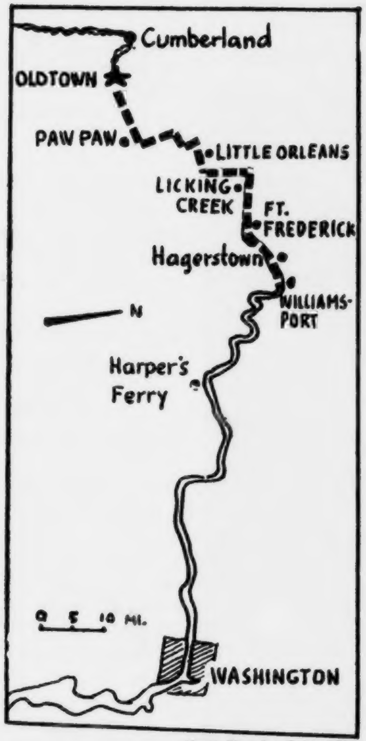


—News Map by Betty Vitol

The dotted line on the map shows the progress of "Project Potomac."

But for us, the river is always underneath or alongside — until, at night, we close our eyes and sleep is just around the next bend — and even then we are rushing thru white water, toward still waters.

Washington Daily News 8/29/70



—News Map by Betty Vitol

The dotted line on the map shows the progress of "Project Potomac."

Daily News 8/29/70

Dams, snakes and rangers

By JAMES GRIFFIN

ALONG WITH PROJECT POTOMAC — George Washington, it says in our mudded two copies of "Hiker's Guide to the C&O Canal," once toured Williamsport, Md., as a possible site for the new nation's capital.

We could have wished for an up-country District of Columbia — the 10 members of the Kingman's Boys Club, their leader Gerald Padgett, and myself now 100 canal miles up the Potomac from the Capital.

We are not about to end our week-long affair with the Potomac, tho. It is only to point out that boys 13, 14, 15 and 16 are canoeing their arduous way down river, a trek comparable to Army boot training — 167 canal miles from Old Town to the District.

90 RIVER MILES

We've traveled, as of yesterday, 90 river miles — there's a distinction between river and canal mileage to this pretty town.

But it is of our portage at our first dam that I wish to speak.

Our six canoes (one left beyond at McCoy's Ferry with much gear in anticipation of the dam) slowly moved over the river. We had left Four Locks a couple of hours before and, as usual, called to passing boats and fishermen about the time and where the No. 5 dam was.

On a high cliff far above the trees, a man with no shirt paced the balcony of an isolated house. Stereo music played so loud we could hear it on the river. We asked directions and then headed for the left bank above the dam. Once ashore, we found it was impassable, the C&O Canal broken and in ruins.

Angry at the man with no shirt, we stroked over to the West Virginia side, the river as smooth and shiny as a ballroom dance floor till the abrupt surprise of the dam crumpled the gloss into white spray.

STEEP BANK

Then we hauled the canoes up an incredibly steep bank and tramped down a road by a treatment plant. A sign said "Keep Off." But there was no other way around.

Suddenly, Gerald saw a long black snake swishing thru the grass and corraled it with an oar until Rudi Shannon, crazy about snakes, lifted it up and strode around like Tashtego in Moby Dick.

Just as we had about completed portage, two rangers, one with a rifle, came down the path with Lacroix Floyd, 15, in front with his hands behind his head. They thought he was a trespasser. Under some hard questioning, Gerald explained and finally we swept away into fast water.

A little later, three young boys, fishing from a far bank, called to us.

"Hey! where you going?"

"Washington."

"Where you from?"

"Washington."

"Hope you get there! Wish you a lot of luck!"

B-4 Metro THE EVENING STAR
Washington, D. C.
Friday, May 22, 1970

'THE EFFLUENT SOCIETY'

Keep Spout Run Clean, Students Ask County

By JEANNE MORGAN
Star Special Writer

After they had pulled enough appliances, furniture and auto parts out of Spout Run to furnish a house and build a car, Mary Cole and her Washington-Lee High School classmates termed Northern Virginia "the effluent society."

Miss Cole, an 18-year-old senior, and other members of the school's Science Honor Society last month organized two "trashpouts" which yielded refrigerators, ranges, chairs, building material, and a "No Dumping" sign.

Bacteria Noted

Besides cleaning up the creek, the students tested it to determine how much dirt they couldn't see. Last night they told the Arlington County School Board of the results.

One of their findings, Miss Cole said, was a "significant concentration" of bacteria indicating a source of human waste pollution near the school and the board's headquarters.

Spout Run, a tributary of the Potomac, flows past Washington-Lee and the school system's Education Center on North Quincy Street.

Illustrating her report with a six-minute film and slide show, Miss Cole, the honor society's "director of research," said chemical and biological tests showed the creek is "like a sewer."

Contamination from such substances as detergents and lawn fertilizers is low, but the students found bacteria concentrations at three sample points which indicated that human wastes are the chief polluters.

Sewer Leaks Indicated

The 60 members of the society concluded from their tests that Spout Run's pollution problem is caused by leaks in sanitary and storm sewers.

They presented their findings to the county Sanitation Department and, Miss Cole said, they intend to lobby for repair of the faulty sewers.

The students also attacked other pollution problems. On Earth Day, April 22, they persuaded students and school personnel to forsake cars and buses. Three teachers and many of their classmates rode bicycles and walked to school that day, Miss Cole said.

Praised By Panel

Their ecological project won them homorable mention and high praise from a panel of college professors who judged the Virginia Junior Academy of Science's awards convention in Richmond this year.

"There's nothing we can do" about the flaws in the sewer system, John Reed Spicer, acting school board chairman commented last night, but he asked the students how he could wage a one-man war on pollution.

Their suggestions: Buy soft drinks in returnable bottles instead of the disposable kind, use detergents low in phosphates, and avoid purchasing "overwrapped" items.

STATEMENT OF

WILLIAM C. BAUKNIGHT,

REPRESENTING LOUDOUN COUNTY, FAIRFAX, VIRGINIA

MR. BAUKNIGHT: Mr. Chairman, members of the conference. My name is William C. Bauknight. I represent Loudoun County, Virginia.

Loudoun County has a rather unique method, considering the rapid growth of the metropolitan area. It started early in planning for its growth. As early as 1959 it formed an authority under the Virginia Sewer and Water Authorities Act and turned over to the Authority complete responsibility for all water and sewer matters in the county.

The Authority has always been an advocate of regional cooperation, was an enthusiastic participant in the development of the Potomac Interceptor Sewer concept. Obviously the use of the Potomac interceptor sewer by Loudoun County avoided the discharge of effluent from frequent plants above the District of Columbia water intake of the Potomac River.

In 1963 the Authority entered into an agreement with the District of Columbia respecting the Potomac interceptor sewer which charted finally and irrevocably its course as tied into dependence upon contractual relationship with the District to handle the collection and treatment of the sewage generated in the county.

In reliance on this agreement, in reliance on the then emphasis and now emphasis on the cleaning up and keeping cleaned up of the Potomac, the Authority took certain steps. It abandoned an existing plant which had been put into use to accommodate urgent need for development which was approved and was functioning. It, in cooperation with the county, and urging the county to do so, resulted in the planning of the development of Loudoun County in reliance upon and entirely dependent upon the Potomac interceptor sewer. All of the county's planning and zoning have been with this in mind.

It entered into contractual relationships with developers, some developments now under way and some planned, and those contractual relationships again were based upon the county's ability to use the Potomac interceptor sewer.

Everything was rosy until fairly recently when the District of Columbia advised the Authority that it could not approve further connections which would increase flows into the Potomac interceptor sewer.

The reason for such action was two-pronged. One was that a 3,000 foot section of seven to eight root sewer known as the Georgetown part of the upper Potomac interceptor release sewer which was a part of project C had not been completed and did not appear to be in condition to be completed, and although the contract drawings were done, $2,300,000 in funds were not available. In other words, the bottle had too narrow a mouth or a neck. And even though there is ample capacity in the many miles of Potomac interceptor sewer there appears to be no way planned and no apparent urgency attached to solution of the problem of getting through this 3,000-foot section.

The other problem, of course, was the fact that the Blue Plains treatment plant had reached its capacity and something had to be done there.

Now what is the effect on Loudoun County of the present situation? If the District does not take any further flows the county growth is completely stopped. The county while it cannot use the existing capacity of the Potomac interceptor sewer still has to pay for the same. Rates have already been increased because of the lack of use of capacity. The lack of use of capacity, of course, is not caused by any lack of need or lack of growth, but a lack of ability of the District to accept the sewage which should be, can be, and has to be discharged into it.

This is rather a strange situation where you have contracted to pay for something and you need it, you are willing to pay for it and to use it, and then your financial commitments keep getting bigger and bigger with no revenues coming in to meet them. The interest which the District owes the Federal Government on the construction cost of the Potomac interceptor piles up, and interest piles up on the interest, and it is Loudoun County, among other political subdivisions, which is going to have to some day pay for this.

This situation has been recognized, and the District has been requested to study the situation urgently with the request that something be done about this.

On December 3, 1970 Senators Spong and Byrd wrote Mayor Washington explaining the problem and asking that construction of this missing segment, 3,000-foot segment, be expedited. We are talking now about two million three hundred thousand, not the two hundred million. Admitted the two million three hundred thousand may be a part of the two hundred million, but it should be a little easier to obtain two million three hundred thousand on an urgent basis.

The Memorandum of Understanding which resulted from a great deal of work did not ignore the problem or problems of this type. In paragraph 10 thereof it is expressed that interim actions with respect to treatment and collection will be taken to prevent further degradation of water quality and enable normal incremental increase in flows to be accommodated and system reinforcements to proceed. And one of the 15 suggested types of actions which might reach this goal -- number 15 is to improve sewage collection facilities to prevent raw sewage overflows. This is what we have at this section at this time is raw sewage overflows.

Loudoun County submits that one of the most urgent interim actions which is necessary to implement the Memorandum of Understanding as expressly set out in the memorandum is to improve this particular sewage collection facility and thus prevent raw sewage overflow at this point.

Loudoun County has to meet its obligations.

Loudoun County must continue to grow. Accordingly, Loudoun County asks this conference to endorse and to use all of its influence to urge the District and Federal authorities to take all necessary action to solve this urgent problem.

This can be done in one of several ways. One is to construct a 3,000-foot section. Another is to pump over into other lines. There may be other solutions. All we ask at this time is for urgent consideration of the problem.

MR. STEIN: We do have a procedure to handle that, and I think this applies to you. We have a committee which will handle interim problems such as this and which will make recommendations to the conferees. I believe the Washington Suburban Sanitary District is also proposing something like that. Now I would like to check with the conferees. I think this would be an appropriate problem to utilize that procedure to handle it.

Although I must confess I am a little surprised -- maybe I don't understand your proposal. Is your proposal to get a request from the conference approved which will send more sewage through the Blue Plains plant than the Blue Plains plant can't treat now?

MR. BAUKNIGHT: Within the meaning and intent of the Memorandum of Understanding, yes, sir. Paragraph 10 deals with this point.

MR. STEIN: I think the Washington Suburban Sanitary District came up with a proposal. The proposal was that if we change the interim date this wouldn't increase the loading to the river. But as I understand your proposal, it would increase loading to the river.

MR. BAUKNIGHT: We understand that the Memorandum of Understanding does not permit increased loading without increasing quality of treatment so it does not degrade the stream.

MR. STEIN: Not to degrade the stream. But I didn't understand your proposal to indicate where this increased quality in treatment was going to come in by the time you began putting this material in. Do you contemplate that?

MR. BAUKNIGHT: Well, we have not gotten to that because if we can't get it to the plant it doesn't make any difference how highly you treat it, and this seems to be the first hurdle to get over.

MR. STEIN: May I suggest I think this is again one of these technical problems that we are going to have to resolve while this program is moving forward, and that you get in touch with Mr. Blaisdell, who is managing this technical committee, bring this issue up, that all parties come in with a proposal which presumably they either will endorse or not endorse, and go forward.

Now again let me outline the procedure. The technical committee representing the conferees will come up with a recommendation. If you are in agreement with that recommendation, fine, we will consider it. If you are not, you will be given an opportunity to present your views to the conferees. But I think you should get started on that, and Mr. Blaisdell will assemble the technical committee to consider this problem.

MR. BAUKNIGHT: Thank you, Mr. Chairman.

MR. STEIN: Does that seem reasonable?

MR. BLAISDELL: Murray, I think what Mr. Bauknight is getting at here, that we have two bottlenecks. Before he can get relief for what he wants to do we have got to get the expansion and the upgrading of the Blue Plains sewage treatment plant moving forward. And then also we have this problem which I think that perhaps Mr. Freese sometime will discuss -- I hope he does -- of this section on the Potomac River interceptor where there isn't capacity to carry the flow even if the plant was expanded and able to receive it. So before we go into adding more sewage we have got to get the expansion and the upgrading of the plant moving and we have got to get this other thing corrected.

MR. STEIN: I think your point is well taken, Mr. Blaisdell. But again I think this is the kind of a technical problem where we have to apply these issues to the specific problem that Loudoun County has and see what kind of a specific recommendation we can come up with on that and what kind of prognosis we can give them.

Again I think this is really going to be possibly the sticky part of handling this, but we have this in most cases. That is, we have a rather good general and theoretical plan, and what we have to do is when any of the counties or anyone comes up with a specific problem is to apply the general principles that we have agreed on to that specific problem and come up with a specified recommendation. And I think this might be the best way to handle it.

I thoroughly agree with your analysis, because the problem we are going to have is, if the sewer is large enough to accommodate your load we have to be sure, hopefully, that it is not going to degrade the river once it gets down here to Blue Plains.

MR. BAUKNIGHT: Mr. Chairman, I don't disagree with your plan of procedure, of course. But I think we are not talking about in a construction of the 3,000-square-foot section some new technical plan for increasing quality of treatment. We are talking about a construction project, the plans of which have been drawn and approved and ready to be constructed, and what is an integral part of the Potomac River interceptor sewer, and there is that slight difference.

MR. STEIN: Well, again I recognize your position. But let us see if we can get a technical recommendation on this so we can proceed.

MR. BAUKNIGHT: Yes, sir.

I would like to introduce into the record a copy of the letter from Senators Spong and Byrd to Mayor Washington.

MR. STEIN: That will be included in the record as if read, without objection.

(The letters follows:)

December 3, 1970

The Honorable Walter E. Washington
Mayor-Commissioner
District Building
Washington, D. C.

Dear Mayor Washington:

Representatives of Loudoun County have brought to our attention a serious problem caused by a 3,000-foot gap in Project C of the Potomac Interceptor Sewer.

Loudoun County soon will be making application for a connection to the Interceptor to serve a 1,270-acre residential community for which rezoning recently has been approved. However, the county is concerned over the prospect of its application in view of action taken by the Department of Sanitary Engineering on a request for an eight-inch connection to the Interceptor at Sugarland Extension. In a letter dated August 7, 1970, the Department advised Mr. Horace M. Hallett, Managing Director of the County's Sanitation Authority, that permission to connect was granted, but only to the extent of a single private residence.

County officials advised members of our staffs at a conference Wednesday that they fear the county's normal development will be impeded unless plans are expedited to close the gap in Project C, and the county is thereby assured it can make connections in accordance with its contractual right to have its sewage treated at Blue Plains. Fairfax County is similarly concerned.

It is our understanding that Loudoun intends to bring this matter before a meeting of the Potomac River Enforcement Conference set for Tuesday, December 8, 1970, at the Marriott Twin Bridges Motor Hotel.

We share the view of Loudoun County that construction of the 3,000-foot section of sewer should be expedited. It is our understanding that the estimated cost of the project is $2,300,000, and we hope you will make every effort to assure that the necessary funds are provided.

The project would contribute to orderly planning in Loudoun and Fairfax Counties, as well as serve to improve the water quality of the Potomac River. It is our understanding that a considerable amount of raw sanitary sewage is being discharged daily into the river because of overflows brought about by the 3,000-foot gap in Project C.

With kind regards.

Sincerely,

Harry F. Byrd, Jr.

William B. Spong, Jr.

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MR. STEIN: Go ahead, Mr. Hadder.

MR. HADDER: Mr. Chairman, at this point we would also like to recognize Mr. George J. Kelley, Jr., Deputy County Executive, County of Fairfax.

STATEMENT OF
GEORGE J. KELLEY, JR.,
DEPUTY COUNTY EXECUTIVE,
COUNTY OF FAIRFAX, FAIRFAX, VIRGINIA

MR. KELLEY: Mr. Chairman, as I understand it, this meeting was called to discuss the proposal to expedite the completion of the Blue Plains improvements, and specifically one item on the agenda was the dollar implications thereof. This is, therefore, the agenda item I propose to address.

Beginning in July of this year we have been in correspondence with the District Department of Sanitary Engineering, and specifically on July 2nd we received a letter from a Mr. Norman Jackson thereof requesting that the county certify the availability of $3,089,000 as its share of the cost of expanding and upgrading the Blue Plains plant. The amount requested was 45 percent of the total share.

George J. Kelley, Jr.

Assuming then -- and I would add we were asked to sign a statement that we would provide 3,089 million -- that there would be a 55 percent Federal grant.

In September we notified the District that this amount was included in a proposed bond referendum.

On September 30th the Board of Supervisors of Fairfax County approved the Memorandum of Understanding. In paragraph 4 thereof was a statement "Plans will proceed on the basis that Federal funds, in the maximum amount provided by applicable legislation (currently amounting to 55% of the estimated cost of each portion of the work will be awarded..."

On October 2nd the county notified Mr. Jackson that we recognized that, because of cost increases, the county's share would be 4.230 million. We stated at that time that the county's share during the 1971-1976 period -- and I should point out to you that the schedule we received at that time was that there would be payment from the county through 1977 -- had been included in a referendum to be submitted to the voters on November 3rd. We also reiterated the 55% assumption.

On October 15th we received a letter from Mr. Jackson requesting certification of availability of funds for initial projects having a total cost of $46.972 million. The county's share then for 8 million gallons to the Pimmit Run area, 2.59 percent of the total cost, and certification was requested for $1,216,574, or $547,000 as our 45 percent.

Apparently something happened after that, and an October 22nd letter was sent from Mr. Jackson which we never received. That letter stated "In my October 15, 1970 letter to you concerning the improvements at the District of Columbia Water Pollution Control Plant, the assumption was made that the Federal grant was to be made to us for the full amount. We are now advised by FWQA that this is not to be the procedure, but that separate grants are to be made to each jurisdiction. In view of this development, the statement from you must be for the full amount of your share."

Not having received the October 22nd letter, we advised Mr. Jackson on October 27th that, of course, pending the bond referendum we were committing the $547,000.

On October 28th there was a meeting with the State Water Control Board staff. A member of our staff was informed that the State Water Control Board would be handling the Federal share and that, because there were no State funds, the grant would be 33 percent, not the 55 that we had been led to believe, and that these funds would be taken from previously approved but not earmarked Federal funds allocated to the county.

After the referendum, after we had then obtained approval for 3.089 million, there were discussions with senior people in Interior, the Water Quality Administration, and the State Water Control Board, in which we pointed out to these gentlemen that we did not have any more money beyond the 3.089 million.

On November 27th we finally got a letter, and this was the first official indication we received, from Mr. Jackson requesting the full commitment, 1.216 million, total cost to the county of $9,306,000 with no grant, or $6,235,000 with a 33 percent grant.

The substance of this is that we are being asked to provide at least $6,235,000 not over the period 1971-1979, but in 1971-1974. This is over three million over the original request and two million in excess of the amount requested in the latest cost figures.

We are addressing, as a result of this, a reply to Mr. Jackson which goes somewhat in this order:

"We did not receive the October 22nd letter.

"There is attached a copy of a detailed memorandum," which I have just cited portions of, "in which we cite the circumstances which have led to the current problem. Frankly, I find it most difficult to accept a situation where, for months, we are led to believe one set of figures -- and, then, without any consultation with us, we are told of an entirely different set of ground rules -- and these ground rules result in additive costs to the county of over $2.0 million.

"As you will note, we have, after consultation with your staff, and after correspondence with you, obtained voter approval of expenditures (from bond sale proceeds) of $3.089 million for Blue Plains during the 1971-1976 period. To provide more, we would have to follow one or more of the following alternatives:

" - Drop educe in scope one of our projects (The majority of these are required by the courts and for the Potomac River Enforcement Conference).

" - Increase service charges beyond current proposals."

And I can tell you that our board will consider next Wednesday, not tomorrow, service charges which will be significantly higher than any in the metropolitan area.

" - Return to the voters.

"None of the above are considered proper or feasible. Accordingly, the county believes that it must remain with its original commitment of $3.089 million -- and confirms its earlier commitment of $547,500 as its share of the proposed primary and sludge processing projects having a total estimated cost of $46,972,000.

"We are sending copies of this letter to Mr. Rogers, Deputy Undersecretary of the Interior, and Mr. Noman Cole, Chairman, Virginia State Water Control Board -- with the suggestion that they address this matter with you, Mr. Jackson, and seek a solution that would not result in any greater financial burden to the county."

This is, Mr. Chairman, the result of obviously a series of misunderstandings. But it puts us in a position of having correspondence which led, I think, rationally to a misunderstanding on our part, of our having taken substantive action to provide a large amount of money -- and I should tell you that our total program between now and 1977 amounts to $100 per man, woman and child in Fairfax County, which 30 million comes from bonds and about 15 million comes from service charges.

We think that the problem now as far as this matter of Blue Plains is one that rests completely with FWQA, the Department of the Interior, and the District of Columbia.

Thank you.

MR. STEIN: Thank you.

Are there any comments on this?

MR. BLAISDELL: Well, Mr. Kelley, you and I have been down this path before, and apparently I haven't been able to get across to you yet what the mechanism is on Federal grants. But I will just say briefly that according to the Memorandum of Understanding which was signed by Fairfax County a 55 percent Federal grant was to be made available to the project. Now under existing law the only way that you can get 55 percent Federal money is if the State has a matching grant program and contributes at least 25 percent.

This agreement was predicated on the fact that the State of Virginia was going to contribute 25 percent to the project because they had and were putting into effect a matching grant program for Fiscal Year 1971.

My understanding of the problem is now that the

Federal money is available for Fiscal Year 1971 to make a 55 percent grant to Fairfax County. However, the State finds itself in a position where they cannot provide the 25 percent. If they can't provide the 25 percent then the Federal Government cannot provide the 55 percent, and the only thing that could be done is that Fairfax County could, of course, get a 30 percent grant, Federal grant.

MR. KELLEY: Mr. Blaisdell, if I may address this, Mr. Chairman, I would make about three points in response to your discussion. (A), it must have been known to the Federal officials as early as June that the State had committed the totality of the one year appropriation on the 24th of June. If you didn't know that we sure did, and I understand you are in daily contact with the State.

Second, I think that as late as October we were told in writing and in conferences that we were going to get a 55 percent grant.

I understand -- and I should tell you that I do -- the mechanism for grants. But I at this point think that reciting that mechanism does not relieve the Federal Government and the District of Columbia of the responsibility of finding some way to cover up the problem of having committed us to only 45 percent all the way to the voters.

MR. STEIN: Any other comments, questions?

Don't run off, Mr. Kelley.

Mr. Hadder, do you want to say anything?

MR. HADDER: No, Mr. Chairman. I have no comment. The State matching funds were a one year, one time appropriation, and unless additional funds are forthcoming we simply will not have a matching funds program for the next Fiscal Year; and, very frankly, it is too early to tell at this point whether we will get funds or not.

MR. STEIN: That is a State program.

MR. HADDER: That's right.

MR. STEIN: Mr. Kelley, I hadn't heard this before, and I certainly appreciate the situation, but here is the way this looks to me -- and I am a Fairfax resident. The point is that as far as the law is concerned every locality, whether it is the District, Maryland, Fairfax, Arlington, Alexandria, is responsible under the Federal law for treating and handling its own waste.

Now I am sure you understand the grant

mechanism, but, as I understand your recital, you have indicated that you were unaware of the operation of the Federal law under representations perhaps of the District or someone else. I think everyone is responsible for certainly knowing what the law is and how it operates.

Now it seems again the question here is not a misunderstanding of the Federal law or a misunderstanding of its application, but the problem is the fact that we run into in many places, either the State in this case or a locality not being able to have sufficient funds that are required under the Federal law to receive a 55 percent grant. And it doesn't seem to me under those circumstances -- and I don't see your case yet -- that this is a Federal or a District problem. This seems to me entirely a county and Virginia problem to come up with the money. How does this become a Federal or a District problem?

MR. KELLEY: I will tell you exactly how, Mr. Stein. First in the correspondence from Mr. Jackson their statement is made that they plan to receive the Federal grant and we would make up the difference.

Second, your Deputy Under Secretary with whom I sat in on three occasions must know the law also, and he indicated on three occasions, with witnesses, that we would get a 55 percent grant.

MR. STEIN: That was based, I am sure -- and Mr. Rogers is very busy now, he is not here -- based on certain assumptions. But, sir, again I am looking at your statement in the best possible way that you have put it forward. What you are saying is your reliance on how the Federal law operates, for good or for ill, rested on a letter received from a District official.

Just look at the bare facts of the presentation as you make it. Now I submit to you that I know people in Virginia are among the most sophisticated in the country in dealing with Federal-State relations and Federal law. As a matter of fact, I have enough home State pride to believe that Virginians probably contributed as much to the Constitution as anyone else. But the notion -- and just based on your presentation -- that you relied on the representation of someone outside your district as to what the operation of the Federal law is, I wonder where that leaves the case or how that can alleviate Fairfax from handling its own waste problem. I don't see the case yet.

MR. KELLEY: Well, obviously you are not going to see the case because you are in the FWQA, one. Two, I think whether or not we Virginians assisted in developing the Constitution is not germane to this issue.

Three, I would say that we relied, frankly, quite heavily on what we considered to be a very high Federal official's statements, and we relied quite heavily on the written word, including the Memorandum of Understanding, and you might read paragraph 4 thereof.

MR. STEIN: Well, there may be a misunderstanding here, but I would suggest to you, Mr. Kelley, that ad hominem arguments are not going to resolve this issue. We have to come up with a solution.

Does anyone else have any suggestion on this, on how we proceed?

MR. BLAISDELL: Well, it has been my intention to discuss this with the Chairman of the State Water Control Board to see whether he had any suggestions on how State money could be made avialable to match the Federal money that is available, so that Fairfax County will get their 55 percent. I haven't had an opportunity to do this, but I certainly hope to do it as quickly as possible. But this is the key to the thing, as I see it. I will reiterate that there is Federal money available to give Fairfax County a 55 percent grant, but it has got to be matched with State money before that can be done under the law. It is as simple or as complex as that.

MR. STEIN: Mr. Hadder, do you have any comments on how we might resolve this?

MR. HADDER: No, sir, I, very frankly, don't We have had discussions with the Chairman, and, very frankly, there just are not funds available. And if there were, there are other localities in the State who followed the very rigid guidelines in making out application for grants, and they stand, I would think, in a higher priority perhaps than would the county, since this matter recently developed after the grants had already been recommended for distribution.

So it just doesn't appear that at this time there is a ready answer available to the financial situation. We, of course, will be glad to attempt to work with the county and the FWQA in any way possible, but we see no way out at this point.

MR. STEIN: Well, let me again try to make this as clear as I can. I think I am rather familiar with the Federal law. There is no way that you can get a 55 percent grant unless you have State matching. Are we all agreed on that? That is what the Federal law provides. I know of no way we can give you a higher grant, the 55 percent grant. That is step number one.

Step number two is that however you proceeded or on whatever representations anyone had, and assumptions, there is no way that the operation of that Federal law can be changed.

Number three is that the money is available because of Federal appropriations. One other way that the law was effected for the 55 percent grants, if we didn't have the appropriation -- there were two facets to this -- the money wouldn't be available. As I understand it, Mr. Blaisdell, that money is available.

MR. BLAISDELL: For Fiscal Year 1971, yes.

MR. STEIN: Right. Then it seems to me the next question as far as the Federal law is concerned is totally a Virginia question, and that is either the State or the locality is going to have to get up the money to accomplish the work to be done in accordance with the Federal law if it is going to receive Federal funds.

Now in the absence of that, presumably Fairfax County is going to default on the time schedule and on the arrangement. And again the way this will boil down, as far as Federal law is concerned and I think the general pollution law is concerned, Fairfax County is responsible for taking care of its waste, either treating it at its source or making other arrangements. And so the legal and technical responsibility rests on the Virginia side on this question. I don't see any other way that we can meet this in the application of the Federal law, as I read it.

Now I would like a suggestion of how else we can move or how else we can consider this problem.

MR. HADDER: Mr. Chairman, if I may, I think perhaps the erroneous assumption made, at least on our part, was that in this matter the District held the same status as a State, and the District would receive the 55 percent matching Federal funds, which in turn the money would be recovered through contractual agreements with the localities. And I think perhaps that may have been the basis for the misunderstanding which brings us to this point today.

MR. STEIN: Do you care to comment on this, Mr. Blaisdell?

MR. BLAISDELL: Well, I thought that the point was made very clear back at the May 1969 meeting, when former Assistant Secretary Klein chaired the conference, that there was going to be an end to D. C. prefinancing facilities that were going to be utilized by other political entities. So I fail to see how there could be a misunderstanding on this point.

Now referring back to what was intended in Mr. Jackson's letter, I think that what he was trying to convey there -- and I don't know, because I never did get a copy of the letter -- was that the District of Columbia would administrate the grant. In other words, the grant would be made up of allocations from Virginia, Maryland, and D. C., and instead of having three separate applications on this project we would have one application, but it would be simply a transfer of money from Virginia and Maryland into D. C. and they would administer the project under one application.

MR. STEIN: Mr. Freese, do you want to say anything on this?

MR. FREESE: If I may, I think it might be fair to Dr. Kelley as well as to Mr. jackson if I would just read -- it is a very brief letter.

MR. STEIN: Go right ahead.

MR. FREESE: I am not sure whose responsibility it is that the U. S. mail didn't deliver this one letter to Dr. Kelley. It was actually a Mr. Massey. But I am not sure how that could have been overcome.

I would like to read first the October 15th letter addressed to Mr. Massey, County Executive, Fairfax County.

"Dear Mr. Massey:

"Paragraph 5 of the recently executed "Memorandum of Understanding on the Washington Metropolitan regional water pollution control plan states that the Federal grant will be awarded upon certification by the District of Columbia that all local contributors determined in accordance with paragraph 3 above are committed and available on request. The date specified for the completion of financing for the primary and sludge processing facilities is October 21, 1970. It is necessary, therefore, that we obtain the proper certification from Fairfax County as soon as possible.

"We recognize the problem outlined in your letter of October 2, but are hopeful that a positive statement contingent upon passage of the bond issue will be acceptable to FWQA as a basis for approval of our grant request."

Now this previous problem that was referred to had to do with waiting until the bond issue was either approved or disapproved.

"The application of the provisions of paragraph 3 of the above-mentioned memorandum results in the determination that Fairfax County will be responsible for 2.59 percent of the cost. The application of this percentage to the engineer's estimates result in the following."

And then we calculate what these would be -- Fairfax's share before the grant would be $1,216,600. And the share with the grant or having the grant deducted therefrom would be $547,500.

"Final plans are completed and we are prepared to proceed with construction of the primary facilities upon completion of financing."

Now that was the letter of the 15th which Mr. Massey did receive.

Now on October 22nd we wrote a subsequent letter:

"Dear Mr. Massey:

"In my October 15th, 1970 letter to you concerning the improvements of the District of Columbia water pollution control plant the assumption was made that the Federal grant was to be made to us for the full amount."

And this was based on discussions between the Federal and the State officials, and we all had the same understanding.

"We are now advised by FWQA that this is not to be the procedure, but that separate grants are to be made to each jurisdiction. In view of this development the statement from you must be for the full amount of your share rather than the amount remaining after the grant.

"As we understand the FWQA proposal, grant payments will be made directly to you as the project progresses, which will enable you to make payments to us for the full share."

I just thought that might clarify the statements that have been made.

MR. STEIN: Do you want to comment on that, Mr. Blaisdell?

MR. BLAISDELL: No, except that I think this is what I have been saying -- that originally at least in the Regional Office we felt from the standpoint of efficiency in processing the application for the Blue Plains sewage treatment plant, that we would have one application and that funds allocated to Virginia and Maryland in proportion to what their contribution was to this project would be transferred on the books to the D. C. funds and that, as I say, the project would be administered by D. C.

There was a change in thinking on this, and we were instructed to process separate applications on this; whereas Washington Suburban Sanitary Commission submitted an application for their share, the District of Columbia submitted an application for their share, and Fairfax County was to submit an application for their share. As far as the Federal funds are concerned, they would still come out of that State's obligation. But there would not be a transfer within our bookkeeping system to the District of Columbia.

Now that is the only difference, and in effect it has no effect on what any political entity would receive in the way of Federal money. They would still receive the same amount.

MR. STEIN: I think we are getting down to the key issue. I am glad you raised that. Evidently Mr. Hadder and Mr. Freese both had the same assumption.

Now the key question, it seems to me, here is even if there was one application, was it clear all the way through that Virginia had to come up with its matching share for the District to get the 55 percent grant to handle the Virginia portion? This seems to me the key question.

MR. HADDER: It was certainly not clear to the representatives from Virginia.

MR. STEIN: By the way, I am sure in listening to this it was not clear -- and, Mr. Kelley, I would like to go back, I didn't understand the presentation quite before. And I think this is the purpose of a colloquy such as we have had to get the facts out. Now I think if there were a genuine misunderstanding here, we have a problem.

But let me put it again as I see it. It seems to me that the purpose of this 55 percent provision, the intent and certainly the language of the statute, was to encourage States to come up with a State matching program. It would also seem to me -- and I don't know where anyone got this idea -- and I have a suggestion about how to stop things in the future possibly -- got the idea that one State could receive 55 percent and handle another State's waste if that State wasn't coming in on the project, because that would indeed be a subterfuge -- that is, 55 percent money could be available to a State which happened to be on a State line by just shipping its stuff across the State line, and that isn't what the Congress intended.

I would suggest that in the future -- and then we will try to get to this, because you asked Mr. Freese about the mail -- in view of the complexity of this problem of dealing with this whole operation, in the future I would suggest that before we send these general letters at arm's length, so to speak, that every attempt be made to sit down with the party who is going to get the letter and, hopefully, the Federal Government and the Interstate Commission, and after that reduce your conversation to writing to have it as your understanding, because I think we are going to get this question of arm's length operation.

Now I don't think there is any question here that Virginia -- and let me ask the question -- that Virginia and certainly Fairfax proceeded in good faith; but the assumption they proceeded on was that these monies, 25 percent would be available from Virginia funds this year?

MR. BLAISDELL: That is true.

MR. STEIN: It was? Was that your assumption when you did this?

MR. HADDER: I am sure it was.

MR. BLAISDELL: I will qualify and say as far as the Federal Government was concerned that was the assumption.

MR. STEIN: Well, I think this, as far as I can see is the basis of the misunderstanding. I don't think there is any doubt that Fairfax and Virginia proceeded in good faith, because evidently this was a genuine misunderstanding. However, the misunderstanding again -- and I don't want to make a definitive ruling on this -- I don't think a misunderstanding of that can affect the application of the Federal law. That is immutable whether you have had the misunderstanding or not.

Now the question that we are going to have now is how are we going to go ahead with this program. I think, as far as I can see, the alternatives are either additional funds are going to have to come from some place in Virginia, or you are going to have to consider adjusting your tax schedule, or you are going to have to find some other way of meeting this iterim date in 1971. Do you have any other usggestions on how we can get at this?

MR. HADDER: No.

MR. STEIN: Given the state of the Federal law at the present time, I don't think it is reasonable to expect that the District of Columbia or the Federal Government are going to be able to lay out more funds in 1971 for Fairfax County projects, unless you have a suggestion. I don't see how that can happen.

MR. KELLEY: Well, Mr. Chairman, I would say, a), that we don't have the money unless we do take one of the three alternatives that I outlined in my presentation; b), I must admit that I still find it extremely hard to accept the fact that this was not understood by all individuals involved because we were talking about Fairfax's share all along. I must admit that I know enough about the law to know that we either get 33 or 80 percent. Now there is no 55 percent to Fairfax anywhere in the law. And when we get correspondence -- we see a Memorandum of Understanding which says 55 percent all the way through it, we, I think, had a logical basis for proceeding on the premise as outlined by Mr. Freese.

MR. STEIN: Fifty-five and twenty-five makes eighty.

MR. KELLEY: That's right.

MR. STEIN: That's right. That's where your assumption of the 80 percent is concerned. Again -- and here let me give it to you again from at least my point of view. I find it very difficult to understand -- though I understand how a misunderstanding can come about -- but it seems to me that a reading of the Federal law shouldn't have led anyone to believe that this was possible.

Now I would suggest again before you make some financial arrangements like this we set up some kind of group meeting. If you insist, I can show up, because again I would like to say, Mr. Kelley, I hadn't heard of this before today. But it seems to me right at first blush that this would be impossible under the Federal law unless funds were forthcoming from Virginia's matching funds.

MR. KELLEY: Mr. Stein, I would point out to you that not only did Mr. Rogers appear, but a whole covey of Federal officials appeared in Fairfax County bringing with them this Memorandum of Understanding and requesting -- soliciting, if you will, our signatures thereto. I guess our problem was that we didn't necessarily -- we believed that we were getting good advice from the Federal officials. Obviously we were not.

MR. STEIN: Are there any other comments?

MR. BALISDELL: I don't think I have anything I could add to it.

MR. STEIN: Well, how are we going to move off this? I don't think we can leave it this way.

MR. BLAISDELL: As I said, I hope to get with the Chairman of the State Water Control Board and some way work out some system where he can come up with the matching State money, and it really doesn't amount to a whole lot. This is the sad part of the thing. We are not talking in large terms of money here. We are talking about a relatively small amount compared to what the District and Maryland are contributing.

MR. STEIN: How much additional money is required from Virginia?

MR. BLAISDELL: About roughly for Fiscal Year 1971 -- Wally, it is about $225,000?

MR. HADDER: That's about right, as I recall it.

MR. STEIN: And how much State funds do you have available this year for matching grants in the whole State of Virginia?

MR. HADDER: Very frankly, Mr. Chairman, I believe the figure was 7.8 million, which did not even enable us to match at the full 25-55 percent figure the Federal money available. So that we are presently matching existing grants at a reduced percentage.

MR. STEIN: How much money did you make available for Fairfax for matching?

MR. HADDER: As I recall, we made none available this year.

MR. STEIN: None available under the over $7 million available you had for matching?

MR. HADDER: That is correct. I would like to point out, though, that the Board had reached a decision on the recommendation for grants as of June 24, which was long before the Memorandum of Understanding was drafted and signed off on. And we did put approximately $6 million into Northern Virginia for the Occoquan watershed abatement plan.

MR. STEIN: But no money was made available for Fairfax?

MR. HADDER: No, sir; not at this time.

MR. STEIN: You did this in June, but we came to the agreement on Fairfax's obligations to treat way before June. The point is that if there were any points of some misunderstanding reached, certainly these representations weren't made when you made the allocation. So, there isn't necessarily a causal relation between these people and what Virginia did with the State grant funds.

Now again it seems to me that this comes back to the same thing -- and I don't make any moral judgments -- that certainly legally it seems to be a Virginia problem. Again, as we pursue this, evidently judgments were made in Virginia, even though they had over $7 million for matching funds, not to give Fairfax any matching funds for 1971. Presumably these judgments were made before this Memorandum of Understanding or any representations.

Now I guess we can pursue this further, but can we leave it? Yes, go ahead.

MR. HADDER: I would like to pursue it just a little bit further. We do not go out and solicit grants. We had some 161 applications come to us this year. And, unfortunately, Fairfax County's applications were not properly drafted. And in accordance with the procedures of the Board, they were not eligible for consideration for grant funds. So it was not the fact of -- perhaps I am reading what you say wrongly, but it is not the fact the Board overlooked that Fairfax County had a problem. It is just that we were not presented with grant request papers upon which we could act, and that's why no funds were given to Fairfax this year.

MR. STEIN: Mr. Hadder, I don't want to be harsh on this, but let me see if I understand what you said. Given the tremendous problem and the complexity of the problem of cleaning up the Potomac River, you had over $7 million for State matching grant funds, and funds were not offered to Fairfax County, 1), because you didn't go out soliciting grants, and, 2), because there may have been in the eyes of the State officials an error in the drafting of the grant application. This was in light of the pressing problem we have to clean up pollution of the Potomac. Well, I think that's what you said.

MR. HADDER: Well, let me clarify just a bit further. The county at the time they made application indicated that the local share of the funds was not available. And they must at the time they request a grant show that they have the local share available, and the indication was that it was not available. I believe as it turned out sometime later, it did amount to an error in drafting. In fact, they probably did have the money available, but this was not known at the time the Board acted.

MR. STEIN: Well, let's try to see what we can do. Let me ask you and Mr. Blaisdell to get together probably with the Chairman of the Virginia Board, because I would say at least the first order of attack should be to see if more funds are forthcoming from the State of Virginia. I have to give at least my own personal judgment that you can't expect the law to be changed so that the District or the Federal Government can apply more funds certainly to this. The Federal Government can't apply more funds, unless this additional quarter of a million dollars or so is coming somewhere from Virginia as a matching grant.

Again, I hope I am not being too partisan because I would not think that any of the three alternatives outlined by Dr. Kelley would be the most palatable for the people of Fairfax County. I considered those alternatives pretty exhaustive. So I would suggest that we really give this a college try and explore the possibility of somehow scaring up some State funds for the matching program so we can get on with this.

It seems to me that we are really in a very awkward position here on dealing with a relatively small amount of money which should be forthcoming. I think that one way or another we should see if we can get this under way.

Can we leave it at this, Mr. Blaisdell -- that you and Mr. Hadder will get together, try to see the Virginia authorities, and come up with a report one way or the other, if you can by the end of next week, on whether we are going to stand a chance to get some of these funds? Will that be agreeable?

MR. HADDER: That's fine.

MR. STEIN: If that is the case, thank you.

Is a Mr. Chen here? No?

(No response.)

Well, let's try this suggestion, too. The suggestion is that we prepare a letter to Mr. Cole from the conference, and if you wish I can sign it, outlining the situation and tell them that we have to get the situation clarified in order to get this resolved.

MR. BLAISDELL: All right.

MR. STEIN: If we can. Again let me make a suggestion. I know that the Fairfax people have left. We are dealing with a very, very complex technical and financial situation in trying to resolve the Potomac pollution problem. I would suggest in light of this experience that before we go ahead, that we have more frequent meetings and understandings of the situation and that we avoid as much as possible arm's length dealing in just sending letters and not getting in touch by a meeting or a phone every time they post a formal document. It seems to me, this may be just the forerunner of a whole series of situations like this we are going to have unless we get this resolved.

MR. FREESE: Mr. Chairman, I think I should respond to that. I don't know if you were aware of it or not, but certainly your people were -- we have met on this problem at times two, three, four times a week. However, from the beginning -- I think you are aware of this -- there have been changing ground rules; there have been changing statements; changing requirements; and these have led to many, many misunderstandings.

Now the letter of October 14, as you will realize, was not mailed very long before the letter of October 22. And what happened between the 15th and the 22nd was a complete reversal of procedure again, as far as our understanding was concerned, by FWQA. And this was not done by letter. In fact it wasn't even done by communication. We found out about it quite by accident.

So I don't think you ought to be too critical of the conferees. We have met time and time and time again, and we will continue to. But as long as the requirements change, there's going to be misunderstandings. And I think they have to be nailed down and proceed according to one understanding or we are going to continue with this problem.

MR. STEIN: Do you want to say anything, Mr. Blaisdell?

This is not the way I see this, Mr. Freese, and your remarks are well taken and I certainly appreciate them. But the difficulty here arises not because of a switch in procedure, because that is something we could correct, or the conferees could make a recommendation and I could go back to the Department and get the procedure adjusted to correct it. The difficulty arises here because of misunderstanding of what is required by law, and that is something beyond our province, and this is the thing that bothers me. If this were just a procedural matter this would be certainly well within our capability, and I think I would try to get this adjusted. but I cannot change the operation of the Federal law.

MR. FREESE: Mr. Stein, I wouldn't question you on law at all. I would question, though, the procedures that have been followed. The letters which we sent to both Maryland and Virginia, the format and the content were approved by the FWQA office, and there was complete understanding both at the Federal level and the State level what we were doing and how we were doing it. There was a change, and whether this was done at the Department of Interior level or whether it was done at the FWQA level I don't know. It really doesn't make any difference. But I think it is unfortunate in such a vital situation here that this misunderstanding has come up.

And I would just like to emphasize that we are sitting here with final plans approved in our hands -- a grant offer by FWQA to the District -- which we cannot accept until we get the money from Virginia. In fact, the offer technically I think has expired. But we are in a very, very serious situation where we cannot proceed with the advertising for bid until this is cleared up.

MR. STEIN: Do you want to say anything on that, Mr. Blaisdell?

MR. BLAISDELL: No, it all goes back to somehow we have got to get Fairfax County's financing straightened out between the State and the County, because what Mr.

Freese says is true -- there has been a grant made to the District. There has been a grant made to Washington Suburban for this portion of this contract, and all we need now is an application from Fairfax County so we can make the grant to them so Mr. Freese can get moving.

MR. STEIN: Well, I think, in fairness, the only thing I can say from a personal point of view is that if you were proceeding to work out these agreements under the requirements of an enforcement conference, it seems to me a little strange that the Chairman of the Conference and my office didn't know anything about these negotiations or understandings or misunderstandings that took place. Perhaps, if you had been in touch before this developed, we wouldn't have this now. The legal facts of the situation seem abundantly clear right now on first hearing, and I think they would have been just as clear if you had talked to me about this several months ago. I just don't understand how this developed.

MR. BLAISDELL: Well, the problem has only arisen here within the last week, Murray. Up to that time we felt that things were proceeding. We had met with the District; we had met with the State of Maryland; we met with the State of Virginia; and we thought we had a mechanism worked out so that this financing would proceed without hitch. And I believe it was last Tuesday or Wednesday -- I have forgotten which -- we had a meeting with the Water Control Board and Fairfax County and found that we had a problem.

MR. STEIN: Well, it seems to me that if we don't isolate this, you are not going to resolve the problem. There was a basic misunderstanding. Evidently the assumption certainly that the District seems to indicate and Virginia seems to indicate, by statements of both their representatives, was that they assumed that Virginia would not have to come up with its matching share for that 55 percent to be available to the District for the whole project. The assumption the Federal people had was that under Federal law we couldn't make 55 percent money available for the Virginia portion unless Virginia came up with its 25 percent. Is that correct? In other words, we were proceeding under a wrong assumption all the time.

MR. FREESE: I think as far as the District is concerned I was a little bit disconcerted to hear my good friend, Dr. Kelley, try to implicate the District here, but there have been misunderstandings. But if the

District received 25 percent of the money from Virginia, regardless of where it came from, State or the County or wherever it came from, and 55 percent from the Federal Government, I don't think where it came from is any of our business. All we are interested in is receiving the money so we can commit it. So I don't think we enter into, and I don't think we want to -- I certainly don't want to -- enter into the intrajurisdictional problems here. I have got enough of my own.

MR. STEIN: Well, I would agree with you, Mr. Freese. I would say I think that this is not a District problem on the face of it; I think this is a Virginia problem and a jurisdictioning within Virginia.

Again we go back to the basic operation of the Federal law -- that if you are looking for 55 percent Federal money to match the Fairfax portion -- the only way by a Federal law that that 55 percent money is available is if the State will give 25 percent in a matching grant, period. Is that correct? There is no way you can change that provision. No matter how you talk about procedure or anything else, I don't think we can change that operation in the law. And unless we get that resolved, the 55 percent money to match Fairfax work is not presumably going to be forthcoming under the present law.

Now again go to the next step: either the State is going to have to provide that money or Fairfax is going to have to come up with some extra money, or presumably the schedule is not going to be met.

And again let me call your attention to another provision of the Federal law. If the schedule is not going to be met, we have an obligation to do something else. So I hope you can find a way to meet it.

Now we will try to get this letter drafted and also have Mr. Blaisdell and Mr. Hadder get together with the Virginia authorities and, hopefully, have a report on this one way or the other by next week so we will know how to proceed.

Are there any other comments or questions?

(No response)

Mr. Hadder.

STATEMENT OF

A. W. HADDER, DIRECTOR,
ENFORCEMENT DIVISION,
VIRGINIA STATE WATER CONTROL BOARD,
RICHMOND, VIRGINIA

MR. HADDER: Mr. Chairman, the progress report is very brief, and I will relate that at this time.

The Accotink-Pohick plant, according to best estimates, will be finished on schedule with tertiary treatment and will be expanded to accept waste from Dogue Creek and Little Hunting Creek.

The Alexandria, Virginia plant it also now appears will be completed on schedule.

Unfortunately, it appears that in the case of Arlington there will be approximately a 6-month delay in the final schedule. We plan to report this matter to the Board at its meeting in January for any action which the Board deems fit.

As to the Dogue Creek and Little Hunting Creek plants in Fairfax, due to the change in plan in favor of conveying these wastes to the Accotink-Pohick plant, there will be a 3-month delay in the final operation here until November 1, 1972, instead of August 1, 1972, as previously established by conference.

Now there are some interim dates for final plans in which slippage occurs. But we feel that with the exception of the 6-month delay in Arlington that we are reasonably well on schedule and will meet the final deadlines set by the conferees this date.

MR. STEIN: Mr. Hadder, thank you. I think on the whole that is a very optimistic report. We always get these slippages. But may I suggest, once you decide what your Board is going to do, in the interim that you take up these other slippages with their technical committee, so the conferees can take action formally at its next meeting. I don't know that your Board will have acted yet on Arlington.

MR. HADDER: Yes, I think they will.

MR. STEIN: But if you don't do that, particularly with the Federal program, we are going to get into a crunch. We must go through this procedure and have an acceptance of the slippages and the dates one way or the other. The way we are operating now, if they are outstanding, you may wake up some morning and find yourself in court. I would ask you to avail yourself of this procedure so we can handle this in an equitable manner.

We will recess for lunch at this point until 1:40.

(Whereupon, at 12:05 p.m., the luncheon recess was taken.)

AFTERNOON SESSION

(2:00 p.m.)

MR. STEIN: Let's reconvene.

Let's call on the State of Maryland.

MR. McKEE: We agreed Mr. Chen will go first.

MR. STEIN: Do we have Mr. Chen?

(No response)

I can hardly recognize the State of Maryland any more since they travel around in unmarked police cars.

(Laughter)

MR. McKEE: To their own detriment.

(Laughter)

STATEMENT OF
HOWARD E. CHANEY,
ACTING DIRECTOR, ENVIRONMENTAL HEALTH SERVICES,
MARYLAND DEPARTMENT OF HEALTH AND MENTAL HYGIENE,
BALTIMORE, MARYLAND

MR. CHANEY: Maryland signed the Memo of Understanding based on the allocation of new Federal funds, and therefore we would concur wholeheartedly with the letter read earlier this morning by Senator Mathias. He recognized this need for full Federal funding as new money and not from past allocations.

Howard E. Chaney

On November 12, 1970 the Federal Water Quality Administration presented a preliminary report on research conducted in the Potomac estuary. For the most part, these findings represent a refinement of earlier work conducted by the Federal Water Quality Administration. However, some significant changes in earlier findings were presented. The report indicates that phosphorus removal requirements earlier recommended by the Federal Government may be more stringent than necessary to protect water quality. However, it was determined that nitrogen discharges must be reduced even more than originally recommended by the FWQA. Unfortunately, at the present state of the art of waste treatment nitrogen removal is considerably more difficult and more expensive to achieve than is phosphorus removal.

Another extremely important finding of the Federal Water Quality Administration study is that discharges into the embayments of the Potomac estuary require considerably higher treatment levels than do similar discharges into the main stem. This has special significance at Piscataway, where attempts of the Washington Suburban Sanitary Commission to construct an outfall across National Park Service property from

Piscataway sewerage treatment plant to the main stem of the Potomac have been blocked by the Federal Government. As a result effluent is now being discharged to the Piscataway Bay through a temporary outfall.

The results of this study lend weight to Maryland's repeated attempts to acquire a right-of-way to the Potomac.

Construction of additional secondary treatment facilities in Piscataway are nearly complete. In addition, polishing ponds which will follow the secondary units are under construction.

The Washington Suburban Sanitary Commission has been experimenting with mineral additions to remove phosphorus on 50 percent of the flow received at the plant. Results of this large scale test look promising.

The preliminary findings of the Federal Water Quality Administration Potomac study which were released in November indicate that if Piscataway sewage treatment plant discharges effluent in the main stem of the Potomac, projected minimum 1980 treatment needs will be as follows: UOD removal, 38 percent; phosphorus removal, 63 percent; nitrogen removal, 60 percent.

These removal requirements are considerably lower than those which would result from a continued discharge to Piscataway Bay. It is therefore most important that the point of discharge of the Piscataway sewage treatment plant be moved to the Potomac River.

Mr. Chairman, Dr. Alfred Machis, who is the Deputy Chief Engineer from Washington Suburban Sanitary Commission, is here with a statement relevant to some of this work at Piscataway and has a statement he would like to make.

STATEMENT OF
DR. ALFRED MACHIS,
DEPUTY CHIEF ENGINEER,
WASHINGTON SUBURBAN SANITARY COMMISSION,
WASHINGTON, D. C.

DR. MACHIS: I believe some of the things that I have here that I had planned to say have already been said in part, and I suspect somewhat that it is going to be a bit repetitious for me to go into this. But my statement is rather short, and let me do this.

The construction of the 5 mgd secondary plant at Piscataway was completed and placed in operation in October 1967. Expansion of secondary facilities to 30 mgd is under way with completion scheduled for the summer of 1972. Now under construction at Piscataway, by joint agreement between the Washington Suburban Sanitary Commission and Federal Water Quality Administration, is a 5 mgd model advanced waste treatment plant which, when completed in the spring of 1972, is expected to obtain a removal of BOD_5 and phosphorus up to 99%.

The Potomac Enforcement Conference, at the 1969 spring meeting, established the criteria of 96% phosphorus removal for treatment plants that discharge their effluents to tributaries or embayments of the Potomac River. A report by the Chesapeake Technical Support Laboratory of FWQA, entitled "Preliminary Findings, Water Resources -- Water Quality Study of the Potomac Estuary," presented November 12, 1970, recommended a requirement for the river in Zone II, the Piscataway Zone, of 63% phosphorus removal by 1980 and 76% by the year 2000. The same report points out that for projected discharges of plant effluents into the Piscataway embayment required removal rates for phosphorus will be 98% or greater by the year 1980.

The existing secondary plant at Piscataway is currently removing approximately 30% phosphorus as P. The 5 mgd model plant is expected to remove 99%. By the summer of 1972 these facilities will have the capability of phosphorus removal equalling or exceeding the recommendation of 63%.

Laboratory studies and plant scale tests presently being conducted at Piscataway demonstrate that it is feasible to obtain removal of phosphorus in the ranges of 85 to 90% by the addition of alum, dosage of 120 mg/l, to the activated sludge aeration tanks. By this means it will be possible to exceed the year 2000 requirement of 76% without the need of tertiary advanced treatment facilities.

The Piscataway plant presently discharges its effluent into Piscataway Bay as a direct result of the blocking of action by the National Park Service of a permit to construct a pipeline across Park lands. Since 1964 continuing efforts have been made to obtain the permit. There has never been any indication from the National Park Service that the construction of the pipeline would result in any significant damage to Park land. It has always been the proposal of the Washington Suburban Sanitary Commission that the Piscataway plant effluent should be discharged in the Potomac River and not in Piscataway Bay.

Dr. Alfred Machis

The Maryland State Department of Health required as a condition to the granting of a temporary permit to discharge the expanded plant effluent into Piscataway Bay that Washington Suburban Sanitary Commission provide a polishing pond with additional chlorination facilities. It should be operational by March 1971. The expenditure of over $1 million to construct these polishing facilities would not have been necessary if a permit had been granted for the construction of the effluent line.

I had not planned in my statement to make comments on the problem associated with the Georgetown gap sewer. But since I read in the newspaper last evening about the problems that are confronting Virginia, we heard this morning from the representative from the Loudoun County area on how this is pinching them, I think it might be appropriate to tell you what it is doing to Montgomery County and the Washington Suburban Sanitary Commission.

The Sanitary Commission requested connection of its Cabin John sewer to the Dulles sewer, all of which would have been in accordance with previous signed agreements. But this was denied. The lack of a connection which is less than 50 feet in length is what I am talking about.

Since that time we have made a grant application for the construction of a relief sewer in the Cabin John Valley and have been asked by the FWQA to indicate that the District of Columbia would make a statement that there would be adequate capacity in its sewage system to reach Blue Plains -- that there would be no sewage overflows. With the Georgetown gap I think it is easily ascertainable that such a statement cannot be obtained from the District of Columbia at the present time.

Maryland feels as Virginia does that this Georgetown gap problem must be solved. This sewer must be constructed.

Recently we made application for a Federal grant to extend the Muddy Branch sewer further upstream. It already is connected and served by the Dulles sewer in Project C. And we desire to extend it further upstream to connect to a sewage pumping station that has been in service for many years pumping out of the Muddy Branch Valley into the Rock Creek Valley.

As a result of our request for Federal grant our letters were sent to the Council of Governments and the

District of Columbia notified the Council of Governments staff that approval of this project might result in additional overflows at the Georgetown gap area. I don't know that this is going to deny our Federal grant, but it certainly is moving in that direction.

So, you see, when you are moving ahead to try to abate pollution in this area and you are doing everything you can within your power to construct the facilities in your own area that you must construct, you suddenly find that because there is a problem elsewhere you not only can't solve the pollution problem, but you can't even build the facilities that you are going to eventually need and get the Federal grants cleared to build these. So I think we are all facing a problem where some action definitely must be taken to clear this Georgetown gap and get this sewer built.

I think, Mr. Chairman, that concludes my statement. If there are any questions I will try to answer them.

MR. STEIN: Are there any comments or questions?

(No response)

All right, let's take these one at a time. I don't know where you fellows are negotiating, but I never see them.

Let's take the Piscataway, and let me give you a hypothetical situation, Dr. Machis, and let us suppose we can get that pipe across the park land property. Let us suppose we can discharge directly into the Potomac. On those assumptions, if we could do that, what percentage of phosphate removal would you get?

DR. MACHIS: Mr. Chairman, we can get up to 99 percent out of our 5 mgd plant which is now under construction. We currently are getting 30 percent from our secondary facilities. Upflow of waste, what we have going through the Piscataway plant today, we would meet the requirement as enunciated in the FWQA document released last November.

MR. STEIN: With your expanded plant how much increase would you get in your flow if we gave you the pipeline directly into the Potomac? What percentage phosphate reduction would you get?

DR. MACHIS: We can do at least the 63 percent that is recommended, and probably better, without doing one thing more than we have under construction today. We are doing experimental work by the addition of alum to the secondary. Our preliminary indications, while not complete, show us that we can get up to 90 percent by just that one technique. Ninety percent is far in excess of the 63 percent we had in 1980.

MR. STEIN: Supposing we went for the pipe across the bay, would you put a condition on that you can get 90 percent phosphate removal?

DR. MACHIS: The FWQA document indicates to us that we don't need it.

MR. STEIN: In other words, you won't do it?

DR. MACHIS: Well, nobody has told us we need to get it. I don't see any point of spending many millions of dollars providing a quality that you people tell us we don't need.

MR. STEIN: Here I am trying to help and trying to get you across that land and you are not trying to get up on your phosphate removal. If you don't meet me half way we are going to have problems. How about your getting up 90 percent phosphate removal and we can make a condition to get you across the land?

DR. MACHIS: I don't know if I understand you. Do we have a different requirement for Piscataway than for Zone II as enumerated in FWQA documents? If we do, and this is what we are forced to do, then perhaps the Commission will have to do it.

MR. STEIN: What kind of phosphate removal do you propose to get if you get the pipeline across that park land?

DR. MACHIS: What do we need in Zone II, Mr. Chairman? The 63 percent or some other percent that you tell us? We will do what we have to do, but I am asking you what do we need to do and is everybody else the same or different? Do you mean what you put out in your documents of FWQA of 63 percent in Zone II?

MR. BLAISDELL: Where are you getting the 63 percent?

DR. MACHIS: From your November meeting where you released a requirement of 63 percent in Zone II, which is the Piscataway zone.

MR. BLAISDELL: It is my understanding that is a preliminary report. It is based on certain assumptions, and the final report on that isn't prepared yet. So I don't think that we are in a position to discuss it today.

DR. MACHIS: I am going by the latest data. Of course, if it is going to be different it will be different.

MR. STEIN: But your position is you don't want to spend another dime to make the water as clean as possible, you want to put as much junk as you can in that river, and you want us to give you a pipeline across that park to do that.

DR. MACHIS: I think you are being nasty when you say we are going to put as much junk in as we can. What I am saying is this is the water quality criteria FWQA has put out.

MR. STEIN: I am not being nasty. I am putting this just the way we see it. If you and I take a shower every day whether we need it or not and you say you can get 99 percent removal, what's wrong with removing 90 percent of the phosphate?

DR. MACHIS: Mr. Chairman, there is nothing wrong with it as long as you have the money to do it. But when you put out something that says you don't have to do quite that well, you come down in your required removal. I would think that we would meet your required removal. We are willing to meet it when it is 90, we are willing to meet it when it is any other number; whatever number it is we ask you to tell us, and this is what we are willing to meet.

Now you say this was a preliminary report. I am just going by the latest report you gave us.

MR. STEIN: What do you suggest if we give you the pipeline across? How much phosphate are you proposing, sixty what? What figure did you say?

DR. MACHIS: I read it out of your report. It was 63 percent.

MR. STEIN: Now how much nitrate? You know, you are giving me very little incentive to go to the Park Service.

DR. MACHIS: I don't remember the nitrates, Mr. Cahirman. It is in the report and ready for anybody's inspection.

MR. STEIN: In other words, what you are suggesting is we get you this pipeline across that park land and you reduce your treatment.

DR. MACHIS: What I am suggesting --

MR. STEIN: Not that you keep your treatment, and we get it across the park land because we have a safety factor and really can improve that river.

DR. MACHIS: Mr. Chairman, you are interrupting me. I started to answer you. What I am suggesting is that we will meet the water quality criteria, whatever they are. Your latest document says 63. I didn't say 63. The FWQA document says it. We are willing to meet it if that is what it is. If it is something else please tell us.

MR. STEIN: You are willing to meet 99 in the bay, too, aren't you?

DR. MACHIS: We will meet whatever criteria we must meet.

MR. STEIN: Right now don't you think it might be advisable if you can suggest you can come up to 90 or above, that we can give you a little leeway and possibly get that pipe into the river?

DR. MACHIS: If 90 is the number that is required for this area, 90 it would be. But your document doesn't say that. I am merely enumerating what you do say to us.

MR. STEIN: In other words, what you are suggesting to me is that we get you a pipe across that park land so you can provide less treatment?

DR. MACHIS: Not at all. What I am suggesting is that we will meet the water quality criteria, whatever it is, and these are the latest information your office has put out.

MR. STEIN: Well, that is a very interesting operation. But I would suggest that if you wanted to come up with a treatment that might get the water as clean as possible, we might begin to think in terms of getting that pipe across the park land. But if you are thinking of just moving across that park land, you are going to reduce your treatment to make the water just as bad, I don't see the purpose of the exercise.

DR. MACHIS: Well, I think you have to make up your mind what are the water quality criteria and put them out. It seems like every time we come to one of these meetings the rules change and all of a sudden --

MR. STEIN: No, the rules don't change. It seems to me that you don't want to get out a smidgeon of dirt that we don't force you to get out. How about your coming forward with something? And I can see why they didn't give you the pipeline if that is what you are saying -- that if they give you the pipeline the river isn't going to be a bit cleaner because all you are going to do is reduce your treatment.

DR. MACHIS: Not at all. You all set the standard by your study, and whatever that standard is I would think was appropriate. What I am telling you is we are willing to meet whatever is the appropriate standard put out for our information. Now if it is not 63 percent I don't know why FWQA put this out in their document.

MR. BLAISDELL: Al, when you say "document," this information came in a meeting with the Corps of Engineers, did it not, back last month sometime when you were disucssing the use of the upper estuary as a source of water supply?

DR. MACHIS: Not to my knowledge, Mr. Blaisdell. It came from FWQA in a meeting called by them.

MR. BLAISDELL: Well, I am at a loss to understand it.

Grover, have you got any explanation for this?

MR. COOK: I am Grover Cook, Acting Director of Enforcement, Middle Atlantic Region, WQO, EPA.

The report to which Dr. Machis alludes is a preliminary, very preliminary report that was shared with the people in the area who have a concern about what kind of waste treatment they are going to have to provide, not only now but up to the year 2020. As I say, it is a preliminary report, it is near completion. The complete report is a couple of inches thick, I understand. The Chesapeake Technical Support Laboratory is presently trying real hard to get this completed so that it can be reviewed by our Regional Office, our research people and our headquarters people. It is by no means a completed document, and the 63 percent figure that Dr. Machis talks about is strictly preliminary. It may be this is the case, but there is no point in proceeding with these kinds of design criteria with this figure in mind at this time.

MR. STEIN: So far we have 96 what, removed for phosphate?

MR. BLAISDELL: BOD, and 85 for nitrogen.

MR. STEIN: Why can't we arrive at the notion that you are going to remove that and will entertain the judgment that in order to give us a matter of safety we will ask the Park Service to let us take a pipeline across and put it in the Potomac, instead of saying that if we ask them to put it into the Potomac you are going to cut back on your treatment? How about that?

DR. MACHIS: Is this a question to me?

MR. STEIN: Yes.

DR. MACHIS: My immediate reaction is why would anyone want to spend money to build a pipeline to get to the Potomac River providing a quality that is suitable for putting in the estuary. This was the estuary requirement.

MR. STEIN: You mean why would anyone want to get the water as clean as possible instead of putting it out as dirty as possible?

DR. MACHIS: No. No. My reaction is if you are going to put it in the estuary, provide this quality and it is suitable for the estuary, then let's do that and save the money on the pipeline. If the pipeline is more economical and your standards permit a lesser phosphorous removal -- and again let me say that this isn't crudy by any means, or dirty or anything of that sort. It is merely a lesser percentage of phosphorous, certainly not detectible to the eye or to the senses of any nature. And if this can be done for less money by building a pipeline and going to the river, this would appear to be the most logical thing to do.

But I say to you again I think the standards have to be established, and whatever those standards are we will meet them. I am not creating standards here at this time, and never have. All I am doing is reading the standards that your organization has put out. I have depended on them, and you are criticizing me for depending on them.

MR. HOPE: May I ask a question, Mr. Chairman, of Dr. Machis? What would be the magnitude of saving that we are talking about here insofar as the taxpayers' dollars are concerned?

DR. MACHIS: Our present plant of 5,000,000 gallons of capacity cost us $4½ million total; that is all told, grants included. If you had to enlarge this to an additional 25 allegedly this would be something in the neighborhood of twenty more million dollars of expenditure to make a 30,000,000 gallon plant of the same type.

Now our experience is that with the first 5,000,000 that we have and the 30 percent removal that you get in the secondary you can meet -- and I hesitate to call it the latest criteria of FWQA -- without any further expenditures of money. So you are saving roughly $20 million by building a $2 million pipeline.

On the other hand, if you don't save this $20 million and you provide a water quality that is adequate for the bay, then why spend the $2 million if you have got to spend $20 million anyway?

MR. STEIN: How much would the pipeline cost, Dr. Machis, I think his question is.

DR. MACHIS: Two million dollars. Two million dollars.

MR. STEIN: Now if you don't build the pipeline presumably you are going to get 96 percent phosphate removal, 96 percent BOD removal, 85 percent nitrogen removal. Let's suppose we spend that $2 million to build a pipeline, what kind of phosphate removal are you proposing, 63?

DR. MACHIS: Mr. Chairman, we are proposing to build whatever is necessary for the water quality criteria.

MR. STEIN: No, how about some numbers?

DR. MACHIS: If it is 63 then it is 63. If that is good enough to be the water quality of the Potomac, then that is what we should meet.

MR. STEIN: But not any better?

DR. MACHIS: I see no particular merit of going overboard and spending considerably extra money than is necessary to meet the water quality standards. Now if the quality standards are wrong, then let's change the quality standards and we will do what we have to do.

MR. STEIN: But you don't see any particular merit in spending any money to get any water that is better?

DR. MACHIS: I think you have got to meet the water quality standards, whatever they are.

MR. STEIN: But you wouldn't spend another penny to get any water that is better?

DR. MACHIS: I think the onus is on the Standards Association which is within the regulatory agencies in our area subject to the approval of the Secretary of Interior under the existing law --

MR. STEIN: You mean the onus is on us, and not to --

DR. MACHIS: Would you let me finish?

MR. STEIN: -- and not get the water as clean as possible.

DR. MACHIS: -- to establish the water criteria for the river. Now I don't know whether that is 63 percent or some other percent. But whatever it is, it has got to be established, and we will meet it. Now your latest document says 63, and if that is it that is it.

MR. STEIN: How much BOD, if any?

DR. MACHIS: Whatever your document calls for.

MR. STEIN: What does the document say, since you are so familiar with it, on phosphorous?

DR. MACHIS: Again you all are changing the signals here, and you are going to UOD and you are giving it here --

MR. STEIN: No, I asked you BOD. Can you answer that question?

DR. MACHIS: I don't think it is in here, Mr. Chairman.

MR. STEIN: In other words, you don't know what kind of BOD removal. How about your nitrogen removal if we give you the pipeline?

DR. MACHIS: I am afraid, Mr. Chairman, you are going ahead of me in finding these items in the document. I am sure they are in here. I am not prepared to speak off the cuff on them. I prefer --

MR. STEIN: Dr. Machis, you proposed the pipeline. You told me we are going to get 63 percent reduction in phosphate. You don't know what kind of reduction you are going to get in BOD; you don't know what kind of reduction you are going to get in nitrogen. How can you propose the pipeline? What kind of proposal is this?

DR. MACHIS: I have no problem at all that I am aware of, of meeting the 5 BOD requirements. I would like to point out to you that the existing Piscataway plant already produces a BOD reduction of 97 percent with an effluent of something in the order of magnitude of 5 milligrams per liter. I have no problem at all that I can foresee in meeting BOD requirements of any river standard.

MR. STEIN: Well, let's take that as a start. Let's suppose we ask for the pipeline. How about your saying we will get a 97 percent reduction in BOD, an 85 percent reduction in nitrogen, and over a 90 percent -- how much in phosphorus -- 96 percent in phosphorus, and we will ask for the pipeline and we will have a wonderful looking river? How about doing that? We are not asking you for any more. All we are asking you is that it is just going to cost an extra $2 million, and instead of putting it in the bay you will put it in the river. Why can't you maintain those standards instead of rolling back, since you have already indicated you can do this?

DR. MACHIS: I don't think there is any effort to roll back. This is an assumption that you are making. The effort is to meet the water quality cirteria. And if the criteria are established, be they for the estuary, be they for the river, we will meet whatever they are.

MR. STEIN: You said you can meet 96 percent phosphate, you are already meeting 97 percent BOD, 85 percent nitrogen. We have had controversy back and forth on what those are in the Piscataway Bay. Supposing you say that you would be prepared to meet those requirements, but yet you would want the pipe to go into the Potomac River and you wouldn't alleviate them, but in order to resolve that issue we could spend two more million dollars and resolve it. Now what's wrong with that kind of proposal?

DR. MACHIS: Well, why don't you set the water quality standards and tell us what they are? If these are not it --

MR. STEIN: I just made the proposal, sir. Do you want to go with these or do you want us -- you made the proposal to get a pipeline across without telling us what you are going to put out. I suggested what you would put out. Now how about your saying that this is what you are going to put out and give us some figures on what you are going to put out so we can propose that pipeline? But how can we tell them to poke a pipeline across that without your telling what you are proposing to put out at the end of the line?

DR. MACHIS: I would hesitate, Mr. Chairman, to say I am going to meet an off-the-cuff water quality criteria that you are throwing at us here now. It seems like every time we meet we get a new quality criteria. I was presenting a paper based on the latest that I had from FWQA in a written report, and I say we can meet that without any problem. If that is not the water quality criteria, then tell us what it is. I don't want an off-the-cuff proposal that is different from what you had before. I don't want something that is special for Piscataway. What we want is something that applies to Zone II of the Potomac River.

MR. STEIN: Sir, we gave you this material. You are the one who proposed that line across the park and you are not saying what is coming out. I didn't make that proposal; you did. Now tell me what is going to come out of that pipe if you want the line across the park.

DR. MACHIS: Whatever the water quality criteria calls for, that is what will come out.

MR. BLAISDELL: Murray, I think we are getting ahead of ourselves here. I think our difficulty probably is that Al is bringing up something here before the summary statement on our water quality studies has been presented. Now there have been certain refinements made, and I think it would be better to delay this whole conversation until we come to that on the agenda. I think we might have a better understanding of what we are talking about here if we did that.

MR. STEIN: Is that agreeable with you?

DR. MACHIS: Thank you.

MR. STEIN: Very good.

Go ahead.

MR. CHANEY: I would like to turn the microphone now over to Mr. McKee.

STATEMENT OF
PAUL W. McKEE,
DIRECTOR, MARYLAND DEPARTMENT
OF WATER RESOURCES, ANNAPOLIS, MARYLAND

MR. McKEE: Mr. Chairman, I am going to report on action taken in Maryland on recommendation numbers 3 and 8 that were agreed to back on January 8, 1969.

Recommendation 3 as contained in the report on the 1969 Potomac River-Washington Metropolitan Area Conference called for compliance by industries with Orders of the Maryland Department of Water Resources to provide adequate waste treatment by January 1, 1970. The Department of Water Resources has carried on a forceful and successful program to implement this recommendation.

Specifically, the Department has taken the following action on recommendation 3:

1. Mineral Pigments Corporation (Muirkirk) Notice of Violation issued on April 29, 1969; Notice of Violation hearing held on June 11, 1969; Order for correction issued on July 22, 1969 and continued at that time, to allow time for additional inspection and the development by competent consultants of necessary control facilities; Order for correction issued January 2, 1970; The Company partially complied with the Order.

Enforcement efforts by the Department continued and the file has been surrendered to the Attorney General's office for such action as deemed necessary to insure compliance. A bill of complaint to enjoin the Mineral Pigments Corporation was filed in the Circuit Court of Prince George's County. A hearing has been scheduled for January 25, 1971.

2. A. H. Smith Sand and Gravel Company (Branchville)

On November 4, 1970, a hearing was held on Departmental letters of complaint against the A. H. Smith Sand and Gravel Company for soil erosion and sediment transport to Paint Branch and Indian Creek from the main sand and gravel washing plant and several mining operations. The Departmental hearing officer is currently preparing a statement of findings and the necessary action the Department must take to insure compliance.

This company has submitted to the Department a plan of action that the company is prepared to carry out in order to abate the soil erosion and sediment transport from the main plant and the several mining sites.

3. Banning and Sons Motor Company (Banning Plymouth, Inc.)

The Department has determined this company to be in compliance.

4. Devlin Lumber and Supply Company (Rockville)

Notice of Violation issued on October 28, 1969;

Notice of Violation hearing held on November 20, 1969;

Order of correction issued on January 3, 1970.

Immediate temporary corrective measures have been taken by the company, but have not as yet produced full compliance with Maryland's water quality program. Enforcement efforts by the Department are continuing.

5. Metropolitan Fuels Company (Bethesda)

Notice of Violation issued on October 29, 1970;

Notice of Violation hearing held on December 5, 1970;

The company has corrected water pollution caused by a faulty oil separator. Periodic inspections are continuing at this industry.

Reported oil spill in Little Falls Branch under investigation, December 7, 1970. Report will be forthcoming.

6. Inland Materials Sand and Gravel Company (Clinton)

Notice of Violation issued on May 20, 1970;

Notice of Violation hearing held on June 24, 1970;

Departmental Order for correction issued on August 14, 1970.

The company complied with the order and all wastewaters are now in compliance. Monitoring of wastewater discharges is continuing by Department.

7. Potomac Sand and Gravel Company (Greenway Flats)

On June 16, 1969, the Department of Water Resources issued a "Permit for Waterway Construction" to the Potomac Sand and Gravel Company and included as part of that permit certain specific conditions requiring that the company's operations at this location will not contravene the water quality standards of the State of Maryland.

The permit and its specific conditions designed to protect the water quality in the Potomac River at Greenway Flats were accepted by the Potomac Sand and Gravel Company.

Monitoring of wastewater discharge and receiving water is continuing by the Department to insure compliance with the conditions of the Permit.

8. Silver Hill Sand and Gravel Company (Silver Hill)

On May 15, 1970, a Notice of Violation, NOV-70215, was issued.

Departmental Order was issued for the correction of soil erosion and sediment transport to a tributary of Hensen Creek. The company has complied with the conditions of the Order.

Action Taken on Recommendation 8

The 1969 Potomac River-Washington Metropolitan Area Enforcement Conference recognized that: Because local government has responsibility for the approval of subdivision development, land grading, and flood plain development, the counties of the conference area are in the best position to affect sediment control programs. The program is expressed in the new legislation enacted by the 1970 Maryland General Assembly and signed into law by Governor Marvin Mandel. This law, which became effective July 1, 1970, expands Statewide the sediment control program previously restricted to the Patuxent River Basin.

The salient points in this legislation are that:

1. Before land is cleared, graded, transported, or otherwise disturbed for purposes including, but not limited to the construction of buildings, the mining of minerals, the development of golf courses, and the construction of roads and streets by any private person, partnership, corporation, municipal corporation, county or State agency within the State of Maryland, the proposed earth change shall first be submitted to and approved by the appropriate soil conservation district. Land clearing, soil movement and construction shall be carried out in accordance with the written recommendations of the said soil conservation districts regarding the control of erosion and siltation and the elimination of pollution.

2. No grading or building permit shall be issued until the developer submits a grading and sediment control plan designed by a professional engineer registered in the State of Maryland, approved by the appropriate soil conservation district, and the developer certifies that all land clearing, construction and development will be done pursuant to the said plan.

3. Prior to March 1, 1971, each county shall adopt grading and building ordinances which are necessary to carry out the provisions of this law.

4. The Department of Natural Resources shall review and approve all land clearing, soil movement and construction activity undertaken by any agency of the State government.

The Department of Water Resources also has authority and responsibility for the control of sediment that causes, or is likely to cause, pollution of the waters of the State. The Department's complaint and order procedure is now being applied to sources of sediment pollution resulting from exposed and improperly graded areas of subdivision developments and other construction activities.

Now, Mr. Chairman, I have a list of these. I don't know if you want to go into detail. Let me simply read the titles because you have the report before you.

MR. STEIN: Right, and at this point we will print those in the record.

(Report of Mr. McKee continues as follows:)

Water Pollution Control in the Anacostia River Basin

1. Greenwich Apartment Development (Artery Corp.) Notice of Violation NOV-70185 was issued on April 6, 1970. A Department Order was issued on July 27, 1970 for the correction of sediment transport to a tributary of the Northwest Branch of the Anacostia River. The Order has been complied with.

2. Beltway Plaza Shopping Center (First National Realty Corporation), Notice of Violation NOV-7060 was issued on September 29, 1969, and followed by Departmental Order NOV-0-7089 issued on May 6, 1970, for sediment transport to Indian Creek. This file has been surrendered to the Attorney General's Office for such action as deemed necessary to insure compliance. The corporation has agreed to submit plans and specifications for connection by December 11, 1970.

3. Christian Brothers

Notice of Violation NOV-70187 was issued on

April 6, 1970, and Departmental Order C-O-71070 was issued on August 27, 1970, for the correction of oil discharge from a refuse disposal area to Indian Creek. The Order has been complied with.

4. University of Maryland

Notice of Violation was issued on July 23, 1968 for the discharge of fly ash and oil from the powerplant to Paint Branch. Corrective action by the University has been taken and fly ash and oil discharges have been abated.

5. Fairfield Farm Kitchens

Notice of Violation NOV-70125 issued on December 23, 1969, Departmental Order NOV-0-7090 issued on May 6, 1970, for the filling in of flood plain, the control of soil erosion, sediment transport, and discharge of toxic materials to Beaver Dam Creek. The company has complied with the Order and has discontinued the filling of flood plain, has submitted and is currently implementing a satisfactory plan for the control of soil erosion and sediment transport and has discontinued the discharge of toxic materials.

6. Washington Suburban Sanitary Commission (Anacostia Landfill) Notice of Violation NOV-70122 was issued on December 19, 1969. Departmental Order NOV-0-7096

was issued on June 9, 1970 for the improper disposal of waste printers ink from the Washington Suburban Sanitary Commission's Anacostia Sanitary Landfill which resulted in the pollution of the Anacostia River. The discharge of printers ink was discontinued and the landfill has been abandoned.

Oxon Run rising in Prince Georges County flows into the District of Columbia and re-enters Prince Georges County prior to confluence with the Potomac River. The Maryland portion of this stream has a coliform count which exceeds the Water Quality Standards. Specific sources for this coliform count have not been identified to date. A comprehensive water quality survey is planned for this watershed. There are no significant industrial wastewater discharges to this watershed.

Henson Creek, a tributary of Broad Creek, receives the treated wastewater from the Buffalo Sand and Gravel Company. Soil erosion and sediment transport occur in this watershed. A comprehensive water quality survey is planned for this watershed.

Anacostia River Watershed Sediment Pollution and Stream Channel Inventory

At the previous Potomac River Enforcement

Conference, the Department of Water Resources reported that a basin-wide enforcement procedure would be initiated in the summer of 1970 in the Anacostia River watershed. The program began in April and concluded in September and was not a formal study or research program but rather an informal method of rapidly collecting and documenting information on sediment pollution sources and stream channel conditions. Specific sources of sediment pollution were identified and corrective action ordered on the following as of December 7, 1970:

Violator	Complaint	Order	Stream	Subject
1. University of Maryland, College Park, Md.	C71-073	C-0-71037	Paint Branch	Parking lots, storm drainage
2. Contee Sand & Gravel Co. Laurel, Md.	C71-115	C-0-71183	Paint Branch	Sand and gravel pit
	C71-116	C-0-71184	Indian Creek	Sand and gravel dam site
3. Duffie Development Corp. Silver Spring, Md.	C71-117	C-0-71185	Paint Branch	Apartments
4. Montgomery Co. Dept. of Public Works Rockville, Md.	C71-114	Not issued yet	Paint Branch	Storm drainage
5. A. H. Smith Sand & Gravel Branchville, Md	C71-074	Not issued yet	Little Paint Branch	Sand and gravel pit
	C71-076	"	"	"
	C71-075	"	"	"
	C71-078	"	"	"
	C71-077	"	"	"
	C71-103	"	Indian Cr.	"

Violator	Complaint	Order	Stream	Subject
6. Albert W. Turner Lanham, Maryland	C71-079	C-0-71104	Little Paint Branch	Shopping Center at Gunpowder Road

Further Information on the Department's Enforcement Efforts

The Department of Water Resources in cooperation with the Department of Health and Mental Hygiene has jointly prepared and released a Report on Status of Water Quality and Significant Sources of Wastewater Discharges. This report covers the water quality program and activities of the Maryland Department of Water Resources to protect water quality on a statewide basis. Copies of this status report are available on request to the Department.

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MR. McKEE: Mr. Chairman, that is my statement.

MR. STEIN: Thank you for a very excellent report, Mr. McKee.

Are there any comments or questions?

(No response)

If not, thank you very much.

Do we have any more Maryland?

MR. CHANEY: That is all.

MR. STEIN: Let's take a ten-minute recess.

(Whereupon, a recess was taken.)

MR. STEIN: Let's reconvene.

Interstate Commission, Mr. Carley.

STATEMENT OF
GEORGE CARLEY,
ASSISTANT DIRECTOR,
INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN,
WASHINGTON, D. C.

MR. CARLEY: In May 1969, the Third Session of the Conference on Pollution of the Waters of the Potomac River in the Washington Area made several recommendations. Among them, Recommendation 14 read as follows:

"The Interstate Commission on the Potomac River Basin, the States of Maryland, Virginia, Pennsylvania, and West Virginia, the District of Columbia, and the Federal Water Pollution Control Administration, shall make a joint study of the entire Potomac Basin to determine what controls will be required to protect the River and the Estuary, and to secure compliance with State and Federal Water Quality Standards. The Conferees emphasize that protection of water quality in river and estuary requires the continuing cooperation of all basin communities, land owners, and official agencies. The Interstate Commission on the Potomac River Basin is requested to call a meeting to consider the entire basin water quality problem with specific emphasis on problems of nutrients, bacteria, sediment, and pesticides."

In response to this recommendation the Interstate Commission held a public meeting at Cacapon State Park, West Virginia, November 12-14, 1969, to hear reports from FWQA and the signatory States and others regarding stream conditions in the non-tidal portions of the basin above Washington, and the progress being made in the implementation of water quality standards.

Following this public meeting and a subsequent meeting at Indian Head, Maryland, during the spring of 1970, our advisory Committees and a Committee of Commissioners have examined the reports and recommendations.

On October 16, 1970, a series of recommendations were presented to the Interstate Commission by its ad hoc committee. These recommendations, with minor adjustments and additions, were adopted by the Commission, and we are now in the process of developing implementation plans.

The Commission recommendations follow:

I. STATE WATER QUALITY STANDARDS AND IMPLEMENTATION PLANS

George Carley

A. That the Interstate Commission hold annual public meetings on both the Upper and Lower Basin for public review of State programs relating to water quality standards and management, and for encouragement of compliance with adopted implementation plans. The States should be requested to present annual written reports on other related programs and such reports should be by subwatersheds and should include sources of streambank refuse dumping and problems relating thereto. Other public meetings will be held as necessary and desirable to discuss problems that may exist. Written reports will be obtained from the States 30 days in advance of the public meetings for use by the Commission.

Commission Instructions to Staff:

The staff is directed to collate existing water quality standards implementation plans, adopted under the Water Quality Act of 1965, as amended, for the entire Potomac Basin. The collation is to be prepared on a sub-basin basis and to include target dates for preliminary and final plans completed, financing arranged, start of construction and completion of construction.

B. Maryland and Pennsylvania law requires comprehensive sewerage plans. The Commission urges the other member States to consider similar requirements.

II. NUTRIENT REMOVAL

That the States determine the need for nutrient limitations in the watercourses and for removal at wastewater treatment plants in the basin to improve water quality.

III. SEWERAGE SYSTEMS AND PLANT OPERATION

A. Regional Systems

That the States examine and encourage the development of regional waste management facilities wherever feasible.

B. Sewers

That the States undertake studies of existing sanitary and combined sewer systems in the basin to determine their safety, adequacy and need for improvement, and to determine the need for systems to serve unsewered areas.

C. Plant Operator Training

1. That the Commission continue cooperation with Charles County Community College in operator training programs; continue its efforts to establish and secure financing for similar

training programs at other colleges in the basin States; and consider establishment, possibly at Shepherd College, of periodic workshops for in-service training, including public relations and business management.

2. That the Commission develop, in cooperation with the States, an adequate operational surveillance program covering all waste treatment plants.

IV. BACTERIA

A. That the FWQA be urged to implement the proposed bacteriological study on the Monocacy River.

B. That appropriate State agencies emphasize and expand programs to locate and to require treatment of significant farm wastes resulting from feed lots and similar concentrations.

C. That the Commission advise the Secretary, U.S.D.A. and the President of the Land Grant Colleges in each of the basin States of the water quality problems associated with farm operations and request their cooperation in seeking solutions to these problems.

D. That the Soil Conservation Service be asked to consider modification of their farm conservation planning to aid in controlling agricultural drainage (farm runoff), and to institute training programs for this purpose.

V. SEDIMENT

A. That U.S.G.S., S.C.S., other Federal and State agencies and institutions be asked to assist the Commission in locating and bringing together data on sediment and sediment sources and the relationship with nutrient discharges, and that the Commission publish this information.

B. That the Commission arrange conferences with officials of the Bureau of Public Roads, State Highway Departments, State Soil Conservation Committees, urban construction personnel, and other appropriate officials, to obtain information on, and to evaluate sediment control programs which are utilized during and after highway and urban construction; to attempt to reach some understanding on what will be done in the Potomac Basin to reduce sediment contributions therefrom; and, to develop an in-service training program for highway and urban construction personnel.

C. That the Commission request that one or more of the "sediment control institutes," proposed by the

National Association of County Officials and the National Association of Conservation Districts as a follow-up program to the 1969 National Conference on Sediment Control, be held in the Potomac Basin area, on a State or regional basis.

D. That the Commission request discussions with the State Soil Conservation Committees and appropriate Soil Conservation Districts looking forward to memoranda of understanding with these entities, which will promote closer coordination, communication, information exchange, et cetera.

E. That the Commission seek the extension of the Flood Protection Act (P.L. 534) to the entire basin.

VI. ACID MINE DRAINAGE

A. That the Commission encourage the States of Maryland and West Virginia and FWQA to continue to work with the Commission to seek solutions to the problems of mine drainage from abandoned mines.

B. That the Commission and the States attempt to secure appropriations and grants under P.L. 91-224 in order to demonstrate a program for preventing drainage from abandoned mines, including collection and neutralization of acid mine drainage tributary to the proposed Bloomington reservoir project.

C. That the Commission encourage West Virginia to consider establishment of a State forest or a public hunting area in areas where abandoned mines are concentrated so that State reclamation money can be expended thereon and that such areas should be considered if wildlife mitigation lands are acquired in connection with the Bloomington Reservoir.

The Commission further recommended:

D. That the Commission request the Federal Commissioners, in conjunction with the staff, to explore with the U. S. Army Corps of Engineers and other elements of the Federal establishment, an amendment to the Bloomington Reservoir authorization to include control and abatement of acid mine drainage relating to the Bloomington project.

VII. THERMAL DISCHARGES

That the Commission request the States to undertake studies to define the nature and effects of present and prospective thermal discharges in the basin and report their findings to the Commission.

VIII. PESTICIDES

That the Commission request FWQA to conduct a study to determine the presence of pesticides in the basin; to identify the sources and to determine the quantity of pesticides contributed over a complete hydrologic cycle.

That is the report.

MR. STEIN: Thank you, Mr. Carley.

Are there any comments or questions?

(No response)

We are supposed to ask you to do this work, George, not you us.

MR. CARLEY: What?

MR. STEIN: We are supposed to ask you to do this work, not you us. You have all the money.

MR. CARLEY: Maybe you are telling me something I would like to know.

MR. STEIN: I always tell you stuff you would like to know.

Are there any comments or questions?

(No response)

If not, thank you very much for the report.

May we call on the District of Columbia?

STATEMENT OF
MALCOLM HOPE,
ASSOCIATE DIRECTOR FOR ENVIRONMENTAL HEALTH,
D. C. DEPARTMENT OF HUMAN RESOURCES, WASHINGTON, D. C.

MR. HOPE: Mr. Chairman, you know, as time goes on I think I am the only appropriately named conferee that attends these particular sessions.

(Laughter)

Let me say that the Health Services Administration doesn't have a formal report to present at this time. It was my understanding that the force of the discussion today and possibly tomorrow was going to deal with the potential for accelerating the time schedule for the upgrading of the D. C. water pollution control plant. And I understand Mr. Freese will be discussing that a little later on, so that my presentation consists essentially of a few informational items.

I think you may be interested in knowing that we have proceeded with legal action against two of the concrete concerns in the District of Columbia. These actions are being taken through the U. S. District Attorney's office under the terms of the 1899 Refuse Act. One of them has been successfully accomplished and the violator has been fined a total of something over $2,000. The other case is still pending and we anticipate a successful conclusion.

We are also proceeding with legal action against two of our fine academic institutions in the District who have been guilty of oil spills, and we do not anticipate any difficulties in this regard.

Our sediment control regulations within the District are now effective. We are running into a little difficulty because of some lack of experience in enforcing and applying regulations of this type and the fact that our personnel resources as of the moment are somewhat more limited than they have been in the past. And when I say more limited, it could hardly have been more limited than it was in the past. When you lose Arnold Speiser, you know, you almost lose two people.

Let me say in passing that we are encouraged by the interest that is being exhibited by Senators Byrd and Spong as it relates to the gap in the Project C. This, as you know, has substantial political overtones. It is tied in with a total problem of the construction of a freeway system within the District of Columbia, and until such time as some decisions are made in this regard it is going to be a little difficult for the District to find the dollars necessary to close that 3,000-foot gap. And, very frankly, from where we sit, as it relates to appropirations, I think it is going to take congressional interest of this type in order to reach some successful conclusion on this matter.

I would like to say also that I couldn't agree more with some of the statements made by Dr. Falkow this morning as it relates to the potential health hazard in the Potomac waters and certain of its tributaries. We keep talking about health and welfare. He pointed out that we have little in the way of epidemiological evidence to indicate that there has been any real transmission of disease as a result of exposure to these waters through the mechanism of body contact sports, nevertheless the health agency of the District has recognized the potential for many years.

We were quite concerned this summer and did issue a press release warning individuals regarding body contact sports in those waters and the possible handling of fish that might have been taken from the waters as well. We are not in a position, of course, to police the total area and to prevent the individual's use of those waters if he so chooses.

This in essence really concludes my little statement.

I would now like to turn over the privilege of the podium to Mr. Paul Freeze of the Department of Sanitary Engineering, who I am sure is going to tell you how he can accelerate the construction of the plant without the dollars that he has been anticipating.

MR. STEIN: Thank you, Mr. Hope.

For the life of me, I can't see what is so appropriate about the name Malcolm.

(Laughter)

MR. HOPE: Are you going to recognize Mr. Freese at this point? You make me a little nervous about it.

MR. STEIN: Oh, I recognized him long ago even with my reading glasses.

Come on up, Paul.

STATEMENT OF

NORMAN E. JACKSON,

DIRECTOR OF SANITARY ENGINEERING,

READ BY

PAUL V. FREESE, DEPUTY DIRECTOR,

D. C. DEPARTMENT OF SANITARY ENGINEERING, WASHINGTON, D. C.

Norman E. Jackson

MR. FREESE: I would like to read the statement of Mr. Norman Jackson at this time. I would also like the privilege from the Chairman, if I may, of abbreviating this statement somewhat. The entire statement will be made available for the record.

MR. STEIN: Without objection, the entire statement will appear in the record as if read, including the chart in the back as an attachment.

MR. FREESE: Thank you, sir.

(The statement follows:)

Mr. Chairman:

I am encouraged by the progress which has been made on Conference Recommendation No. 1 since the last meeting of the Conferees in May 1970 or for that matter since the last meeting in October 1970.

Last May we were entangled in fruitless discussions over the location and size of facilities by which the wastewaters of the region were to be treated -- a problem that had plagued us for over a year.

In June 1970 the District of Columbia proposed an alternate to the plan which we had proposed in April 1969. The 1969 plan, although not officially rejected, was clearly not acceptable to the Department of the Interior because of its proposal to reclaim 51 acres of Potomac River mud flats upon which to construct facilities for improved treatment including advanced waste treatment.

The June 1970 alternate plan which called for the immediate construction of a 309 MGD treatment facility and tentative allocation of capacity was submitted to the Department of the Interior and to the conferees by mail, but a meeting was not called so no official action was taken on that plan. The principal objection that developed to that plan was the provision that temporary capacity allotted to the Washington Suburban Sanitary Commission could be repurchased by the District as needed in the future. The problem remained unresolved and there were threats of legal action to resolve the issues.

Near the end of July 1970, Under Secretary of the Interior, Fred Russell and Mr. William Rogers, then recently appointed Deputy Under Secretary of the Interior, approached the District of Columbia and asked us to try again, promising full support and cooperation. In response, the District of Columbia began a series of meetings on the issues with the Washington Suburban Sanitary Commission, Fairfax County and Loudoun County, Virginia, and the Department of the Interior in an attempt to resolve the issues. Compromises were made and from this series of meetings grew the document which has become known as "The Memorandum of Understanding" dated October 1970. This was the document which we presented to the conferees and which was accepted at the special meeting October 13.

Since that meeting less than two months ago the Washington Suburban Sanitary Commission has obligated their share of the funds required to place the first project under construction. Fairfax County has not notified us that their share is committed and available on request as provided for in the "Memorandum of Understanding." The FWQA decided that it would be necessary to award separate grants to each of the jurisdictions from which a contribution would be required (the Potomac Interceptor share must be financed by the District of Columbia under the provisions of the Act creating the Dulles Interceptor) and applications for grants in connection with the shares of the suburban jurisdictions have been filed. A grant of 55 percent of this first project has been offered to the District of Columbia by the Federal Water Quality Administration.

Norman E. Jackson

As soon as the D. C. Department of Sanitary Engineering is notified by Virginia that funds to cover its share of the project are committed and available, we are ready to advertise for bids and to construct intital facilities. Unfortunately, the time estimated to complete financing for this initial project was too optimistic and as a result we have missed the first critical date, that of completion of financing by October 21.

On November 5, 1970, when the Secretary of the Interior accepted the Memorandum of Understanding as a basis for complying with the recommendations of the Enforcement Conference, he expressed disappointment that the construction of the improvements to the D. C. Water Pollution Control Plant including advanced waste treatment was not scheduled to be completed until 1977, and asked the District of Columbia and the Conferees "to determine what is required to move that date forward to 1974." In response to that request we asked our engineers, Metcalf & Eddy, to critically review the construction schedule to determine if we could comply with the Seccetary's wishes and if so what would be required. In doing so, Metcalf & Eddy supplemented their review with advice from three nationally prominent large contractors.

Norman E. Jackson

Representatives of these construction firms reviewed the plans and visited the site to gain a sound concept of the problems involved. As a result of their investigations, we have been advised that the schedule can be expedited so as to complete the construction by December 1974 provided that:

(1) Financial arrangements for the entire project can be arranged and funds be made available to the District as needed, contrary to what Mr. Hope just said.

(2) The entire treatment facility is constructed at once using massive construction techniques. This would involve such things as:

  (a) The performance of all excavation at the site before construction is begun rather than the usual procedure of excavating for each element of the project at the beginning of its construction. All excavated material would be removed from the site, thus saving critical space normally required for stockpiling of fill until the end of construction.

  (b) The reduction of truck traffic into and on the site by the construction of concrete mixing plant near a dock facility with provisions for the supply of aggregates, et cetera, by barge. An effort would also be made to obtain delivery of other massive elements such as steel by barge rather than truck or rail in order to reduce truck traffic at this most difficult site. Off-site staging areas will also be required for pre-assembly of materials, components, and equipment.

(c) Reduction of private vehicular traffic into the site by providing fringe area parking for construction workers with shuttle bus service into the site.

(d) Twenty-four hour per day continuous construction.

(3) The custom of designing and constructing units a step at a time is abandoned in favor of the division of the project into sixteen major contracts by type of work which shall be undertaken as rapidly as design can be completed for each contract element. These elements and the suggested schedule are shown on Figure 1, which is

attached.

Our engineers are continuing to work to complete the details of this plan.

Recommendations

In order to make this plan possible and to meet the Secretary of the Interior's challenge the District of Columbia must have the utmost cooperation from Congress, the Federal Water Quality Administration of the Environmental Protection Administration, Department of the Interior, and the local jurisdictions. The elements of that cooperation are contained in the following recommendations, that:

(1) Financing be arranged for the entire project at the earliest possible time. This must include:

   (a) Approval of a Federal sewage treatment construction grant for the entire project. This will require a grant of $197.6 million at the current estimated cost of $359.3 million. Both these figures include the recently approved project for primary treatment facilities and should be adjusted accordingly.

   (b) Congressional appropriation of the District of Columbia and Potomac Interceptor share of the project (which is estimated now to be $80.1 million) together with the authority to borrow these amounts from the Federal treasury. This appropriation should be accompanied by authority to increase the sewer service rates fourfold in order to provide the District's share of amortization and operating costs at the improved facilities.

(c) Obligation of funds by suburban jurisdictions to cover their share of costs of the total project.

(2) The Federal Government expedited the approval and granted a permit to construct a dock facility and the necessary dredging.

It is essential that this work be completed and the concrete mixing plant be constructed while excavation is proceeding on the site so that the construction of the concrete tanks can begin immediately on the completion of excavation. Some idea of the size of this undertaking can be obtained by realizing that to meet the schedule we are proposing an average of 1500 cubic yards of concrete must be poured each day for two years. The on-site concrete plant will eliminate traffic from over 200 ready-mix trucks per day or about one every five minutes.

(3) The Department of the Interior provide the D. C. Department of Sanitary Engineering suitable locations adjacent to the site for a (a) contractor's staging area and (b) construction employee parking.

(4) The Federal Water Quality Administration assign a senior employee as a resident grant administrator at the project to make such inspections as are necessary to the Federal interest and to expedite Federal grant payments. It should be recognized at the peak of construction there will be a large number of contracts proceeding simultaneously and that each contractor will expect monthly payment as his work progresses. During 1973 when construction activity is at its peak contractor payments are expected to average about $10 million per month which will require grant payments of $5.5 million per month.

(5) The Federal Water Quality Administration modify

the usual construction grant processing procedures in order to expedite processing. For example:

(a) The construction schedule requires that grant awards (including the 10 percent increase in grant for compliance with regional plan) be made immediately. This will require the approval of grants without awaiting the concurrence by the Council of Governments and the Department of Housing and Urban Development because of the time requirements to obtain such concurrence. The inclusion of the District of Columbia's plan for sewage treatment plant improvements in the water and sewer plan and program reported by the Council of Governments and submitted to the Department of Housing and Urban Development should be adequate to demonstrate the concurrence of these agencies. A preferable alternate would be for FWQA to consider this a single project with a single grant offer for the entire amount. A blanket approval could be otained for the entire project thus expediting the consideration of the individual contracts.

(b) It will be necessary for the FWQA to approve the overall project prior to the time of the submission of final plans and specifications for the various elements. It must be recognized that mass construction procedures will require that planning proceed concurrently with construction rather than be completed, reviewed and approved prior to the start of construction. This will mean for example, that the District must receive approval and Federal grant payments for excavation prior to the time that plans and specifications are available for the treatment units.

The foregoing has outlined a number of problems which we foresee and on which we will require the utmost cooperation from all involved. At the outset it must be recognized that we have not proceeded under these conditions before and that we cannot, therefore, foresee all the problems in advance. We must have flexibility to solve these problems as they arise. We must use privateenterprise-type project management rather than the conventional procedures. It must also be recognized that in large measure the District of Columbia is serving the needs of others with this project and, therefore, the motivation of all concerned should be to adopt a cooperative manner which will expedite construction and to avoid the attitude that the problems are the District's alone to solve.

I hope that is clear in everybody's mind.

As has been pointed out, this may require in some instances that routine procedures which result in delays be abandoned in favor of getting the job done. I think that we have satisfied ourselves that with utmost concentration of effort we can solve the engineering and construction problems and build the plant within the time framework expressed by the Secretary.

My principal remaining concern is twofold:

First, I want to be sure that citizens and government officials recognize that once a construction plan and schedule have begun our flexibility to respond to significant changes in plans becomes limited. I hope, therefore, that it will be realized that if a compressed timetable is to be met, only minor alterations in plans and specifications can be accommodated.

Second, I wish to point out that strong public and congressional support will be needed to provide the necessary funds as rapidly as they are required. As engineers we have developed a means of accomplishing this huge task within the specified time schedule.

I think this may be contrary to some statements that have been made that it is the engineers that in their old fashioned way of doing things are holding up the process.

But this will not be enough. Adequate funding of the project as a whole now becomes the single, most essential element to successful completion of the Blue Plains project.

Conference Recommendation No. 5 called for the completion of the Project "C" Interceptor by 1971. I regret that I must inform you that this project has experienced major delays and that we will not be able to meet the 1971 deadline.

You will remember that I reported to you in April 1969 that the construction of a section of the sewer in Georgetown -- which has been called here today the Georgetown gap -- had been delayed because of the controversy associated with the Three Sisters Bridge construction including the approach roads. About that time it appeared that the matter had been resolved so the Department of Sanitary Engineering again requested the funds necessary to complete the project. During the time this budget request was under consideration a court injunction stopped the construction of the bridge and ordered the matter restudied.

As a result of this development the D. C. Council did not approve the budget request necessary to proceed with construction. We shall continue to try to proceed with this project, but are unable to predict a date on which construction will proceed. The section of sewer has a 2-year construction time, so even if we were permitted to proceed in the near future, we could not have it in operation until early 1973.

(Table and graph follow:)

POSSIBLE ADJUSTMENT OF CONSTRUCTION SCHEDULE
DISTRICT OF COLUMBIA
WATER POLLUTION CONTROL PLANT

	Memo of Understanding	Proposed
A. Primary and Sludge Processing Facilities		
1. Preliminary plans completed	2/1/69	Same
2. Final plans completed (a) primary	8/1/70	Same
(b) sludge processing	1/1/71	Same
3. Financing arranged	10/21/70	Same
4. Start construction	2/14/71	Same
5. Finish construction	5/19/73	April 1974
B. Secondary Facilities		
1. Preliminary plans completed	2/1/69	Same
2. Final plans completed	7/1/71	Same
3. Financing arranged	7/1/71	March 1971
4. Start construction	10/11/71	Note 2
5. Finish construction	11/1/74	October 1973
C. Advanced Waste Treatment - BOD and P		
1. Preliminary plans completed	March 1972	April 1971
2. Final plans completed	March 1972	Note 1
3. Financing arranged	March 1973	March 1971
4. Start construction	July 1973	Note 2
5. Finish construction	July 1976	Nov. 1974
Advanced Waste Treatment - Nitrogen		
1. Preliminary plans completed	August 1974	October 1971
2. Final plans completed	August 1974	Note 1
3. Financing arranged	August 1974	March 1971
4. Start construction	December 1974	Note 2
5. Finish construction	December 1977	December 1974

Note 1. Project design would be broken into many subparts which would be placed under construction as rapidly as planning was completed. Therefore, no single date can be established for completion of final plans.

Note 2. Construction would be divided into many contracts combining similar items such as excavation for maximum streamlining. Therefore, construction would begin on parts as soon as financing was completed and projects were designed and contracts awarded.

DISTRICT OF COLUMBIA
WATER POLLUTION CONTROL PLANT
BLUE PLAINS

SCHEDULE OF DESIGN AND CONSTRUCTION

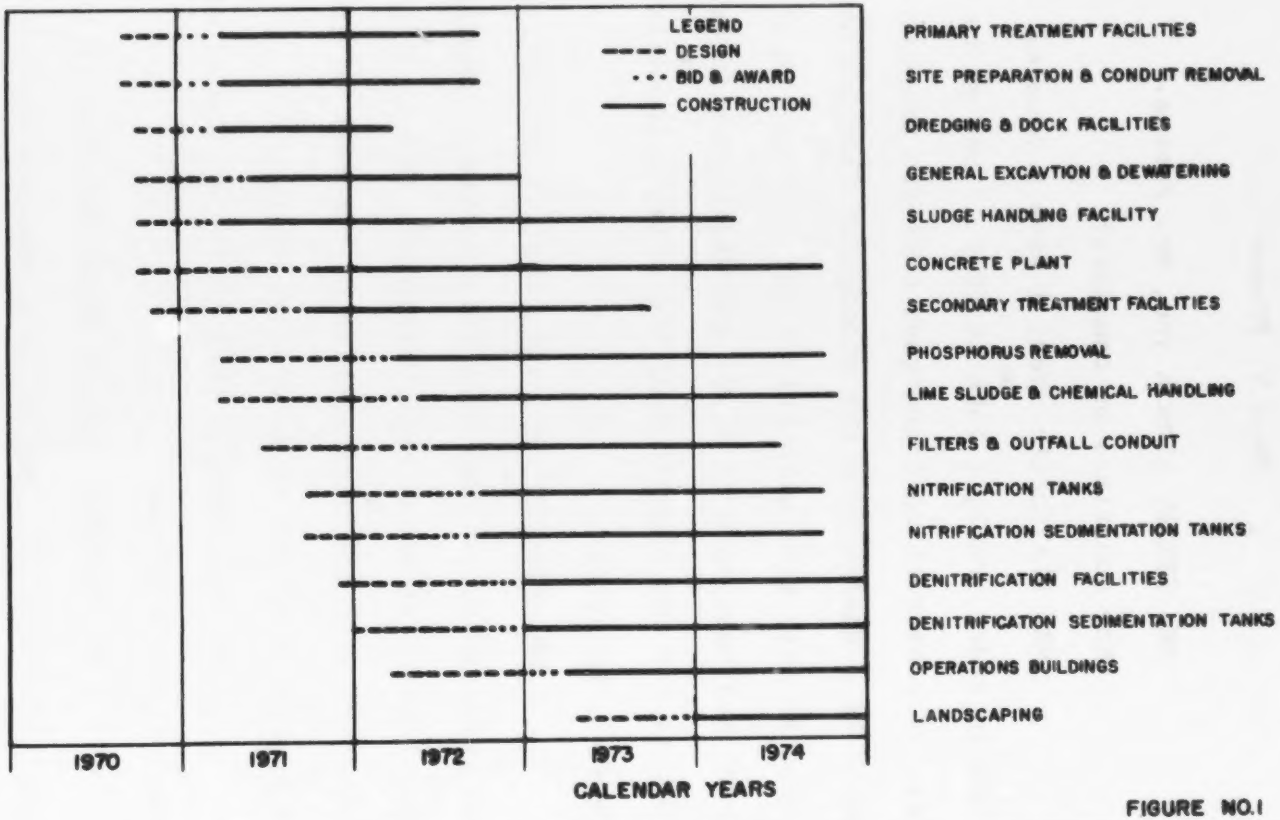

FIGURE NO.1

MR. STEIN: Thank you, Mr. Freese.

Any questions or comments?

MR. BLAISDELL: Yes, I have a couple. Taking them in order, Paul, I take it that if you go to these massive construction techniques that you propose that there would be a change from the standpoint that you would not go ahead at this time with this first contract on which the grant has been made to D. C. and Washington Suburban. That is for the expansion of the primary facility, grit removal, et cetera.

MR. FREESE: No, sir, that is not correct. We are prepared to proceed with this contract immediately upon receipt of money from Virginia. This will not interfere with the construction of the rest of the plant. We separated it out as a separate unit.

MR. BLAISDELL: This is one of the 12 units then of construction?

MR. FREESE: Yes, I think actually it breaks down into about 16. But it is a separate unit.

MR. BALISDELL: The second question I have is concerning the completion of Project C and this so-called Georgetown gap. What would you recommend that the conferees or the Federal Government could do to break this deadlock and expedite getting this under construction?

MR. FREESE: I don't know the answer to the question. We are deadlocked in this problem of subways versus freeways, and it happens to affect one of our major sewers. Some way the Administration has to be convinced that this is of higher priority than the Three Sisters Bridge and the freeway system. I am not sure how this conference can approach that problem.

MR. BLAISDELL: Let me ask you from an engineering standpoint, providing all these other obstacles were removed, there is no reason that you couldn't go ahead with the construction of this intercept even though the construction of the bridge didn't go ahead, right?

MR. FREESE: This is the problem. As far as the construction of the sewer is concerned we could open this for bids on a portion immediately. The question has been raised by the City Council as to the possible interference of a proposed approach to the Three Sisters Bridge if we go ahead and construct the sewer. They asked me if I could guarantee that there would be no interference, and I said no, I couldn't guarantee that, especially with the view in mind that there has been a recommendation that that bridge become a tunnel and if the approach to the bridge tunnel dips down instead of going up we have a problem.

MR. STEIN: Just for the record, Mr. Freese, you say you regret to say that Project C interceptor will not be completed and that the section of the sewer has a 2-year construction time, so that even if we were permitted to proceed in the near future we could not have it in operation until early 1973. That is still Project C, isn't it?

MR. FREESE: Yes, sir.

MR. STEIN: And you express doubts that you even can make it by 1973, as I understand it here.

MR. FREESE: Unless we get early approval.

MR. STEIN: Yes. Now just for the record I would like to read something, and this is a recommendation from a former conference. It says "That the District of Columbia, in order to reduce pollution of the Potomac River ... from stormwater overflows, put in effect Plan C ... as proposed by the Board of Engineers in its 'Report to the District of Columbia of Sanitary Engineering and Improvements to Sewerage System,' dated February 28, 1957; and that the construction of these remedial facilities be completed by the end of 1966; and appropriate financial arrangements be made to accomplish this." And this was a recommendation unanimously agreed to by the conferees, adopted February 13, 1958, still sitting here, as I see the record, and we are not sure we are even going to get it completed in 1973.

MR. FREESE: I think that is a good point, Mr. Stein, and I fully support the recommendation of the prior conference. I would also like to extend that to say that at the rate we are going, in 1985 we will still be talking about building the Blue Plains treatment plant.

MR. STEIN: I agree with you. I am not arguing that point at all with you, Mr. Freese. I am just pointing this out. What Mr. Freese points out is exactly right. I suspect unless we do a little better and stop haggling about these grants and all this stuff, we are going to have these fine recommendations but face the same situation we have now. Here we have made a recommendation as long ago as February 13, 1958, and yet we are sitting here today with Mr. Freese still moving around with the last operation.

Now again, I am just trying to say this generally. We fooled around with that Plan C operation; some of it got in ahead of schedule. You know why? Because they were building the new 14th Street Bridge -- they are fancy, they call it "Twin Bridges" -- and we moved that in ahead of schedule.

Now we are waiting for the Three Sisters Bridge, and we are holding behind schedule. As long as we are committed to automobiles and roads and let them govern our putting in sewerage facilities, and we let them run our schedules and just keep talking about cleaning up the river, we are kidding ourselves.

Let me say this. This is not meant in any way as a criticism, because I think we all face this -- Mr. Freese, Mr. Jackson and the District. If they can't put in a sewer and they can't put in a sewage treatment plant until they have accommodated the king of us all (roads and the automobile system), then we are just going to have to put up with polluted rivers until we satisfy the demand of the automobile. You will have to raise a very serious question with yourself on who is going to run this. When you are talking about clean rivers in a metropolitan area, what is going to run the schedule -- the need for clean rivers or the controversy over getting an automobile in and out of the core city?

Are there any other questions or comments?

(No response)

If not, thank you very much for your presentation, Mr. Freese.

Let me ask you a question. How close are we to touch on letting that first contract?

MR. FREESE: We were ready to let the contract in August; we have our money in hand; all we need is the money from Virginia and we are ready to go.

MR. STEIN: Let me again just propose this to the conferees. If this is the situation, I think we are not going to clean up this problem until we begin throwing dirt. You are not going to throw dirt unless you let a contract. And the emphasis always shifts. If the situation is such that everything is in line except the contribution from Virginia, as I see it, this is a short run priority item for the present time and we have to break that logjam and we are ready to go. Now I don't think Virginia would argue with that, would you?

MR. HADDER: No.

MR. STEIN: I think all hands have to concentrate on that if we are going to go. There are some very basic things to be done at the Blue Plains plant. The creation of primary facilities, additional capacity, whatever you are going to do, you have to do that. Every day you wait for that contract to be let is another day you are going to have pollution of the Potomac River. I believe if there is nothing else that we point to in this Progress Meeting, we have to point to the impediment to letting that contract. All our resources have to be exerted toward breaking that loose and getting the District to let the contract.

Any other comments or questions?

(No response)

If not, thank you.

MR. FREESE: Mr. Stein, could I maybe direct partially a question just for, I think, information purposes? Looking just beyond that first contract or first perhaps two contracts, we need to be in a position within the next few months -- and that is still in Fiscal 1971 -- to begin to let the massive contracts. I am not talking about waiting until July and August of this summer; I am talking about this spring. And if we are going to wait to meet in another progress session to think about it some more and to discuss the possibilities of additional legislation for providing $360 million to build this plant, I don't think the public ought to be misled into thinking that we are going to meet a schedule unless we start. The $200 million, plus or minus some, from the Federal Government must be available. And as I understand, at this time, they do not have it in hand and do not even have it in sight.

The $80 million for the District's share of this must be made available as it is needed. And at this time, we do not have it in hand nor have it in sight. The money from the other jurisdictions, if I have heard correctly here this morning, is also not available. It seems to me, Mr. Chairman, that we have a so much more serious thing to address ourselves to here this afternoon than we have already done.

MR. STEIN: Right. Mr. Blaisdell, do you want to comment on that?

MR. BLAISDELL: Yes, Paul. You said that the $200 million should be available from the Federal Government right now, and yet when you started talking about the other political entities you said "as needed." Now it was my understanding that a policy was established that this money would be forthcoming; that the Federal grant, like any of the local share or the State shares, would be made available as needed over the 3-year period of construction. Is that right or wrong?

MR. FREESE: I will correct myself. You are absolutely right. However, the money that will be needed in addition to these frist two contracts will be needed before the end of the Fiscal 1971 year.

MR. BALISDELL: Could we check on figures on that? What actually will you need for the total project now -- and this is for Maryland, Virginia and D. C. -- with respect to Federal grants for Fiscal Year 1971?

MR. FREESE: If you will just give me a minute I will give that to you. Talking about the total project, in Fiscal Year 1971, the year that we are in now, which ends on June 30, 1971, we estimate that we will need authorized funds of $108 million.

MR. STEIN: How much of that do you have available in the regular appropriation, Mr. Blaisdell? Do we need any extra?

MR. BLAISDELL: Oh, yes, we certainly do.

MR. STEIN: All right.

MR. BLAISDELL: I think that figure is -- what, about $10 million that we have available, Warren?

MR. CARTER: We committed part of that to the 23. So I don't know the balance.

MR. STEIN: I don't know how productive this is going to be, trying to work out these figures in a meeting like this. To all the conferees, as you well know, I am as far away as your telephone and ten minutes ride. But let me suggest what we have to do is this: We have to set up a schedule as to when we need the money, who has to produce it -- whether it is Maryland, Virginia, the District or the Federal Government -- how we are going to get it and a schedule, and then plan to get it.

MR. FREESE: This has already been done.

MR. STEIN: Well, if this has been done, then the point is we have to figure on how well we are moving along on that program. Are there any lags on this?

Can we expect that the plan we have for the funds coming in is firm? I realize we have hit a snag on the Virginia funds that we decided on how to meet. But I think we have to identify as early as we possibly can any problems we may have with the forthcoming of any other funds and the action we have to take. I don't think we have to wait for another meeting to do that.

Now are there any other areas of these funds that we don't see our way clear on now?

MR. BLAISDELL: Yes, we are continuing to try to come up with some sort of a scheme whereby we can come up with the additional Federal funds needed, over and above that which would come from annual allocations to the State each year under Public Law 660. Now, Paul, you said that we would need 108 -- was that your figure?

MR. FREESE: Authorized funds so that we can enter into the contract as required.

MR. BALISDELL: But I was talking in terms of Federal funds. I think the 108 is the cost of construction that you will do during Fiscal Year 1971, and actually we would need at 55 percent Federal grants in the neighborhood of $59.8 million.

MR. FREESE: Yes, that was a total cost figure.

MR. BLAISDELL: Right. But we are looking for Federal grants in the neighborhood of 59.8. Now we estimate that from annual allotments to the States -- this is Virginia, Maryland and D. C. -- that there would be about $11.4 million available, and therefore we would be looking for during Fiscal Year 1971 about $48.4 million outside.

MR. STEIN: All right. Now I don't think it is just this, because we have to worry about the District, Maryland, and the Virginia funds. But we should have a very active program where at least with the Federal funds you are going to try to get the $48.4 million. Also we have indicated a program or an approach from Virginia of some source you are going to try to get another quarter of a million dollars to get the first round under way. Now there probably is about another $50 million we have to account for from State and local sources.

It seems to me we should identify where these funds are coming from, so we don't get into another misunderstanding such as we ran into with Virginia. In other words, we should get together and identify where we get each amount of money, where it is coming from, and be sure it is going to be available from that source. If we run into any snag, we should come up with a program whereby we are going to get it. Otherwise, we are going to have a repetition of the kind of misunderstanding we had here. This is the worst kind, because I think the failure we had here today was not due to the failure for someone to come across with any money or to appropriate any money, but sort of a bureaucratic SNAFU*, which is inescusable.

Now I don't know that we can wave a magic wand over the voters of any of the jurisdictions -- the State of Virginia, the State of Maryland, and the Congress -- but we surely can avoid the bureaucratic SNAFU's that prevent a proposal going forward.

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* Situation Normal All Fouled Up

Now, Mr. Blaisdell, do you have a technical committee you can work with on this financing?

MR. BLAISDELL: No, we don't have one appointed.

MR. STEIN: Well, I would suggest that the Conferees immediately get with Mr. Blaisdell after this and appoint a committee on this basis: 1) that an analysis be made of where the funds are coming from; 2) when they are going to have to be available; and 3) what provision is made to get those funds. Then if there are any problems -- whether you need legislation, whether we have to approach the Bureau of the Budget, the Congress, the Executive, the State Legislature, the counties or the cities -- we get this identified and we have a plan so we can move forward with that, so we can make assurances in each case that the funds are forthcoming. And I think this is probably going to be one of the most important tasks that we can assign to the conference.

Now again let me say, Mr. Blaisdell, I wonder -- and you have a little time to think of this -- if you can get the conferees together; and I don't think it is too early by the end of next week at least to announce to the conferees from where the funds have to be coming forward in Fiscal Year 1971, who has the obligation to get these, and how we are going to try to get them.

MR. BLAISDELL: Murray, we have already requested this through contact with each State. We have given them the total cost breakdown on this facility and asked them to come up with a response to us as to what they anticipate they can do -- either the normal allotments that are made to them and also out of the State funds. We need this as a basis to get a decision from the now Environmental Protection Agency as to what funds can be made available and what we have to go to as a special Act of Congress, say, because there's other places where possibly some additional money could be made available.

MR. STEIN: I understand. But from what we have seen today, I think what we need is either one of those critical path charts that Cole has in Virginia or something whereby we can make a determination that the cash has to be on the barrelhead by such and such a date by whoever is going to produce it. This means the constituencies involved, State, local or Federal. It also means how much leadtime we are going to need to get an assurance, so we know what is coming up and what has to be done.

I hope you can accomplish this by getting your group together by next week. Now I think what we should do is outline where we can get the $110 million dollars in Fiscal 1971, because there isn't a lot of time to do that. Find out where all that money is coming from, who is going to have to do what to get it, and let us assign the task to do it. Now if we have to do it, or the State or the District, or we have to make representations, I think we are going to have to have that information pretty fast, or else we are going to be in this kind of situation that we faced this morning. I am sure we can avoid that pretty much if we set this thing up and do this one block of funds at a time.

MR. HADDER: Mr. Chairman, could I ask a question to avoid a misunderstanding? I believe what Mr. Freese is saying is that he wants a commitment for the next three years; that once the project starts they have got to know that they will get the funds on call from that point on, which I believe differs somewhat from the previous discussions we have had, because under the unit construction arrangements, at least something could be salvaged if funds didn't come through. As I understand it now, if funds don't come through the whole thing is out the window. Is that correct, Paul?

MR. FREESE: That's right. And that has come about by the request of the Department of Interior to compress our schedule. We cannot complete the construction of the plant by the end of 1974 using normal construction technique, using normal grant procedures and going through the bureaucratic red tape that we are accustomed to if we are going to have to go by the letter of the law and are going to have to wait weeks and months for approval of grants, for approval of drawings, for approval of completion of items of construction. Unless the red tape is cut and we are allowed to proceed as we must, then there is no sense talking about a compressed schedule. We go back to our 1977 schedule. I think this ought to be clearly understood by everybody, the general public especially. I think they have been misled by this conference. I think they have been misled in many other situations by promises that have no substance, and I would not like for this to continue. At least I don't want to have any part of it.

MR. BLAISDELL: Well, Paul, if you go back to the 1977 schedule you haven't removed the problem; you still have the problem of financing. You haven't got to get up quite as much money in quite as short a time. But you have still got to get up the money.

MR. FREESE: I was just responding to Wally Hadder's question, though. Proceeding on a normal construction technique we could build primary, then we could build sludge process, then secondary, and if the bottom fell out or the Administration changed its mind, we would have a fully operating plant that would produce something in the range of 90 percent removal of BOD. It still would only be taking out 10 to 15 percent -- Al is getting 30, we don't do that well - of nitrogen and phosphorous.

However, by going ahead with this approach where we go in and do all the excavation for all the contract, we go in and arrange for the production of all the concrete for all the contract, if you decided at the end of 1973 that, well, we are not committed to cleaning up the water of the Potomac, you would have a white elephant sitting there that wouldn't be worth anything to you.

MR. HADDER: That then leads to one more question, if I may, Mr. Chairman. Would it be possible, Paul, to get a breakdown from you as to how much funding you will need in each fiscal year through completion, and a further breakdown as to who will share in that funding, as a starting point for discussion?

MR. FREESE: We have that, Wally.

MR. HADDER: You do have that.

MR. BLAISDELL: In fact, you should have it, Wally.

MR. HADDER: I don't think we do.

MR. STEIN: I think, 1), Mr. Hadder, that is what we have to have. But I think we also have to have a breakdown for each fiscal year, month by month, on what we are going to do, so you know what we have to do.

Now I fully agree with what you are pushing at, and I think that in attempting to deal with what you are talking about here on this compressed schedule, I would think this is worth trying -- that this is the kind of thing that just can't really be done by mail or ordinary communication. In other words, what we are going to have to do is set up one of the schedules for the life of the project pretty generally on what is going to be needed each year and who is going to put it out. Then for each fiscal year -- each year, or maybe even a shorter period of time -- we are going to have to make a judgment on when we need the money to get to the contract and what we are going to have to do to get it.

Now our experience today has shown that the District hasn't been able to let a contract -- and certainly, believe me, I am not criticizing anybody -- the District has not been able to let a contract because of an arrangement that was made where the District felt it couldn't let the contract uless it got the money from at least four sources. One jurisdiction didn't come through. And the reason one jurisdiction didn't come through was due to a reasonable misunderstanding.

Now this is what we have to avoid. We know we may run into problems where some one of us can't produce. But we shouldn't be hung up because we don't understand what we have to do.

In other words, we have two tasks. The first task is to try to get the money lined up so the District can let its first contract. That is the short-range task. The long-range task will be to block out, at least in general terms, how much money is going to be needed each fiscal year and who it is going to come from. And the third and intermediate task, and one we have to get at right away, is who is going to get the money for 1971 to get up this $110 million, and how far we are from touch-down on each operation, and what help they need.

Now the suggestion is that we set up two different groups. The first one we suggested was that letter, and that Mr. Blaisdell get together with Mr. Hadder and we get the Virginia people and see if we can solve that first problem.

The second thing is, by at least the end of next week -- and I think most of the work is already done -- to have blocked out how much money will be needed over the life of the project, who is going to be responsible in what fiscal year, part A of the document; part B of the document which will be more detailed, who is to get up that $110 million for Fiscal Year 1971 -- and we have about a half a year to go on that -- how we expect to get it, and then we will ride herd on each one to see if their program is under way to get that money.

MR. BLAISDELL: Murray, this has all been done.

MR. STEIN: All right.

MR. BLAISDELL: It has been done, and as I say, we have presented these figures to the States that are involved, and we have asked for a response from them as to what they can do. Now this response we haven't received yet.

MR. STEIN: Again, maybe this is worth repeating. We are repeating this at cross purposes. I think it is evident today that we can't do this by writing the States, or the District writing Virginia, or Virginia writing the District and saying, "It has been done." What we have to do is get together in a room, come to an agreement there, and reduce your recommendations to writing that all the team understands. Otherwise, we are going to come to these Progress Meetings over and over again, and we are going to go through the Alphonse and Gaston act -- "I sent you a letter;" "I didn't receive the letter;" "I told you this," "I didn't understand you."

Now the point is this thing is so important we can't do business that way. I am suggesting that we get together by next week, get all the constituencies signing off on the agreement so that they all understand this. I recognize the logistics of this thing, and understanding this complicated problem is hard, but we just can't do this this way. If anything demonstrated it, it was this morning's performance. I think we have to learn from that.

MR. BLAISDELL: Well, this is the reason that this came up this morning. These figures have been presented to the State. If there was past misunderstanding, they certainly understand now what is required of them.

MR. STEIN: I am not sure. Now the point is there is going to be a difference of understanding each time. Now let me say on the basis of what we heard this morning -- and I think every one of the people here was proceeding in good faith; no one was trying to pull a fast one -- the point is there was a genuine misunderstanding of what the situation was. The way we can avoid that misunderstanding is avoid sending a letter based on some assumption, but get together in a room, set up the financial schedule, say the Federal Government is going to produce X amount of money by preparing a bill or going to Congress, or the Federal Government is going to produce X amount of money by this date by getting it from an existing appropriation; that the District will get its money from whatever source it will; that Maryland, Virginia and their localities will produce the money by such and such a time, cash on the barrelhead. They will indicate what they have to do to get the money. If they run into any problems, we will all then run in to help them push the thing across the line.

Now until we do that and get that understanding from where that money is going to flow and stop writing each other letters, we are not going to be able to handle this problem.

Now, I'll tell you, I have been on a lot of Enforcement cases with major industries and have watched their financial committees do business. They don't do business in any different way than I am suggesting. If, say, U. S. Steel had to write each other these letters, it would still be putting out a few nuts and bolts. They just get the financial committee in a room, work it out, and come up with an arrangement. We are big business today. We have to do the same thing. These transactions are too complicated and too involved to be risked. We just can't risk sending each other letters on this and be sure the other person understands precisely what we mean.

MR. BLAISDELL: Murry, we haven't been writing any letters. We have been meeting in these rooms that you talk about. This is the point that I want to make, that this is the procedure -- and I am talking about the Regional Office now; I am not talking about any other of the political entities -- but this is what we have been doing. We have been meeting with each State. When we do, we in effect meet with the conferee of that State because the Water Pollution Control Agency has a conferee to this conference. So we will be glad to go over this ground again.

MR. STEIN: Okay. I suggest you meet with them together. But you get that financial committee going next week, too, and come up with the recommendations and sign off on it -- because I think this is going to be our Achilles heel, gentlemen, unless we get with this.

Are there any other comments or questions?

MR. FREESE: Mr. Chairman, we have a request here from Senator Mathias that -- well, I guess it is a statement, he looks forward to receiving concrete recommendations soon so that accelerated timetables for action can be met without resorting to fiscal expedients, which will prove more costly in the long run. Is there any way that we can bring the Congress in at this point on this fiscal problem?

MR. STEIN: I am glad you asked that question. That is why I wanted the committee to meet. Obviously, as you know, we -- at least the Federal people can't make a commitment of what we are going to get from Congress, just as the District can't, until we go to the Bureau of the

Budget, or what do they call it now? OBM. Now the point is though, we should know that if the only way we can get this Federal money is by special legislation and we have to do it by a certain date, at least the conferees can make the recommendation to our Executive Agency that this has to be done if we are going to meet the project and suggest that they take this up through channels.

Now presumably we will also inform the States and the District, because you are going to have the same problem that we have in pushing this forward. I am quite sure we are going to have to go through the same budgetary process.

The reason I am pushing this committee by next week is that, Paul, you know as well as I do, if we are going to talk in terms of getting money this Fiscal Year, we are going to be completely out of whack with the traditional budgetary cycle, which takes at least two years. We are going to have to cut through all kinds of red tape to do it.

Now I would like to know how much additional money we are going to need, whether we are going to need special legislation to get it, and then let's make a proposal. The sooner we know that the better our chances of getting the money. Obviously, you know we can't make that recommendation without prior approval.

Are there any other comments or questions?

MR. CHANEY: Mr. Chairman, I think while you commented on how long it is going to take the Federal action to begin moving, we in the States have the same problem to face. We have to get approval of this kind of action from the Governor, and from there on it still becomes a matter of time. So I don't think you are going to accomplish this in a week. Perhaps you can accomplish how much money is going to be necessary in a week.

MR. STEIN: No, that is what I am trying to say, sir. May I put this out? Let me make this abundantly clear -- that is why we are having the meeting. In a week we should be able to determine -- and this is aside from that first question of how we are going to get the money for this first conference -- but we are going to determine how much money we are going to need in Fiscal Year 1971. Then we are going to determine who is going to have to produce the money, when you are going to have to produce it, then assign the task to the people to do it, recognizing that we have to go through certain processes, and give you enough leadtime.

The reason I am suggesting this week is it is none too soon, recognizing the fact we are dealing with public financing -- State and Federal -- and you can't do this overnight. If we are going to make this by the end of June 1971, we better have our marching orders by the end of next week or so, so we can all move forward -- whether State or Federal or local jurisdictions -- and see if we can get the money.

Now if we run into any problems or need any mutual help, of course, I hope we will all be available. But we have to make those assignments within a week if we are going to do this.

Are there any other comments or questions?

MR. CARLEY: Murray, this is all based on the fact that you have accepted the compressed schedule?

MR. STEIN: That is on that assumption. You are going to have these anyway.

MR. BLAISDELL: Well, we have these figures available right now.

MR. STEIN: My recommendation, of course, is you accept the compressed schedule. But whether you do it or not, you are going to have to go through the same kind of exercise anyway.

MR. CARLEY: But you have more constraints in the financing when you are on a compressed schedule than when you have a greater length of time and can construct under normal operations.

MR. STEIN: George, I don't want to push this, in frankness. Let's explore this. I am not sure it is on the financing. I agree with Paul that with the construction you are going to have committed to something that isn't going to work unless you run this through. With my experience in Government, I am not so sure but what rapid financing on a crash basis isn't sometimes easier to attain than financing in a regular manner over the years.

In other words, I think the big constraint -- and this is what Paul said -- if we embark on this, unless we carry this through to completion, you may have just a hole in the ground or some concrete poured and nothing worth a damn. But as far as the financing is concerned, I think the challenge is there. But I don't think the constraints are going to be any more serious. You may have a better ball game getting a lot of money in a hurry than you will getting regular money over a period of years, say until 1977.

MR. CARLEY: I am just raising a question -- I am not arguing a point -- as to whether you can commit Congress from one year to the other.

MR. STEIN: We cannot, and I don't think they can commit the States. I think this is what Paul was saying, and I think this is what is implicit in the construction schedule. We all know about these problems where a State Legislature or the Congress says you are holding a gun to their heads on the appropriations. Obviously -- and I think there should be no illusions about this -- if we embark on this program, we are going into a program where we are going to produce something that isn't going to be worth a thing unless the funds are forthcoming for the next three years or so. Otherwise, we are going to have nothing. You are not going to have a primary plant that works; you are not going to have a secondary plant that works; and it is going to be subject to that criticism.

If you are going to have the compressed schedule, there is no other way of meeting this. I think Mr. Freese has put his finger on the problem. We are all going to have to meet that argument. And as far as I am concerned, I wouldn't delude anyone. We are going to tell the Congress, "If you are going to vote the first money, you are not going to have anything unless you vote the second and third money. We know we can't commit you to the second and third money, but that first money isn't going to do a thing without the other money coming forth."

Are we set on that?

MR. McKEE: I think then, Mr. Chairman, what Frank said awhile ago about not receiving any answers from the States, that you have answered the request from Frank to the States for commitment on funds.

MR. STEIN: Yes. Now let me again address myself to that. Please don't let us go again with any business on "not getting an answer from the States," or "Virginia not getting a letter from the District," or the "District not getting an answer back from Virginia," because, you know, that kind of excuse with the citizens around here is just of interest to another hypotenuse of bureaucrat. This is the worst kind of operation. I think to meet that, we all have to get together in a room and rub our heads together and come up with an answer.

As far as I am concerned, let me say -- I said this before, let me say this again -- the fewer letters of proposal we write to each other and the more letters of agreement -- we say, "based on this meeting, we have agreed so and so," and send this out -- the better we are going

.o be. In something as involved as this, I do not believe that an arm's length exchange of letters is going to lead to any kind of understanding or any kind of agreement. I can't urge or admonish you on that too strongly. We have seen it here, and you are just duplicating what we have experienced in many other areas of the country.

We just might decide that every week, or every month at least, a technical group is going to get together, come to an understanding, and before the letter comes out they will have agreed orally what you mean. There will be no surprises in letters, but you will call each other up and talk to each other, because otherwise we are going to run into the same misunderstandings.

I don't see that there is any other way to do it, and the sooner we buckle down to this -- I know we are not particularly enamored with each other, but we are just going to have to live with each other until this darned thing is through.

All right. Do you people want to continue to 5:00 or not, or recess until tomorrow?

MR. McKEE: What else is on the agenda at this stage?

MR. STEIN: We have three committee reports.

MR. BLAISDELL: And the Federal presentation.

MR. STEIN: Well, let us recess until 9:30 tomorrow.

(Whereupon, at 4:25 p.m., the conference was recessed, to be reconvened at 9:30 a.m., Wednesday, December 9, 1970.)

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